

By Mr. ALLEN: Resolutions of the Boot and Shoe Workers' Union, Local No. 222, Cincinnati, Ohio, with reference to the prosecution by officials of the Department of Justice of the editors of the Appeal to Reason; to the Committee on Expenditures in the Department of Justice.

Also, resolution of the Illinois Chapter of the American Institute of Architects, approving site for the Lincoln memorial, but disapproving type of memorial; to the Committee on the Library.

By Mr. AINEY: Petition of the Bridgewater Baptist Church, Montrose, Pa., favoring the passage of the Kenyon "red light" injunction bill, to clean up Washington for the inauguration; to the Committee on the District of Columbia.

Also, petition of the Bridgewater Baptist Church and the Men's Brotherhood of the Baptist Church of Montrose, Pa., favoring the passage of the Kenyon-Sheppard bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of the Ohio State legislative committee of the Railway Conductors of America, Columbus, Ohio, protesting against the passage of the Brantley bill (S. 5382), known as the Federal accident-compensation act; to the Committee on the Judiciary.

Also, petition of Illinois Chapter American Institute of Architects, Chicago, Ill., approving site proposed for the memorial to be erected to Abraham Lincoln at Potomac Park, Washington, D. C., but opposing the design as approved by the National Commission of Fine Arts; to the Committee on the Library.

By Mr. BURKE of Wisconsin: Papers to accompany bill (H. R. 27998) granting an increase of pension to Elvin A. Estey; to the Committee on Invalid Pensions.

By Mr. CARY: Petition of the Jewett & Sherman Co., Milwaukee, Wis., protesting against any change in the present tariff on spices; to the Committee on Ways and Means.

By Mr. ESCH: Petition of the Association of Eastern Foresters, Trenton, N. J., protesting against the passage of proposed legislation to transfer the national forests to the States within which they lie; to the Committee on Agriculture.

By Mr. FITZGERALD: Petition of the German-American Peace Society, New York, protesting against the passage of House bill 8141, placing the State militia on the national pay roll; to the Committee on Military Affairs.

Also, petition of Illinois Chapter of the American Institute of Architects, approving site proposed for the memorial to be erected to Abraham Lincoln at Potomac Park on the river at Washington, D. C.; to the Committee on the Library.

Also, petition of board of directors of the National Business League of America, favoring the passage of legislation favoring the purchase of embassy sites and buildings by the United States of America in the foreign commercial centers of the world; to the Committee on Foreign Affairs.

By Mr. FORNES: Petition of the New York Leather Belting Co., New York; R. E. Dietz Co., New York; the American Laundry Machinery Co., Rochester, N. Y.; Louis Schulman, New York; Wood & Selick, New York; the Reliance Ball-Bearing Door Hanger Co., New York; Oliver Bros. Purchasing Co., New York; Hogan & Son, New York; and the Rogers, Peet Co., New York, all in the State of New York, favoring the passage of House bill 27567, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. FOSS: Petition of citizens of Chicago, Ill., favoring the passage of the Kenyon-Sheppard bill prohibiting the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. FULLER: Petition of the Moran & Hastings Manufacturing Co., Chicago, Ill., in favor of House bill 27567, for 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of Myron C. Skinner and others, favoring passage of House bill 1330, to increase pensions of those who lost an arm or a leg in the Civil War; to the Committee on Invalid Pensions.

By Mr. HINDS: Papers to accompany bill correcting the military record of Rodney Woodman; to the Committee on Military Affairs.

By Mr. LINDSAY: Petition of the Brooklyn and New York Chapters, American Institute of Architects, New York, favoring the passage of legislation for the adoption of the Mall as a proper site for the memorial to Abraham Lincoln; also favoring the proposed design; to the Committee on the Library.

By Mr. PARRAN: Papers to accompany bill (H. R. 28009) for the relief of Joseph Sedlack; to the Committee on Naval Affairs.

By Mr. POST: Petition of Orville Wright and others, of Dayton, Ohio, protesting against the passage of House bill 23417, relating to compulsory patent licenses; to the Committee on Patents.

Also, petition of H. A. Toulman and others, of Dayton, Ohio, favoring the passage of House bill 26277, for the establishment of a United States patent court of appeals; to the Committee on the Judiciary.

By Mr. REILLY: Petition of the Southington (Conn.) Board of Trade, favoring the passage of legislation for the establishment of a tariff commission to collect information pertaining to tariff to aid Congress in tariff legislation; to the Committee on the Judiciary.

Also, petition of the Audubon Society of Bridgeport, Conn., and the Milford Business Men's Association, Milford, Conn., favoring the passage of the McLean bill for granting Federal protection for all migratory birds; to the Committee on Agriculture.

By Mr. TILSON: Petition of the executive board of the Audubon Society of the State of Connecticut, Bridgeport, Conn., and the Milford Business Men's Association, Milford, Conn., favoring the passage of the McLean bill for the protection of all migratory birds by the Federal Government; to the Committee on Agriculture.

By Mr. WILSON of New York: Petition of the Eastern Talking Machine Dealers' Association, New York, protesting against the passage of section 2 of House bill 23417, prohibiting the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

SENATE.

WEDNESDAY, January 22, 1913.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Smoor and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SEWERAGE AND DRAINAGE SYSTEMS, HOT SPRINGS, ARK. (H. DOC. NO. 1298).

The PRESIDENT pro tempore (Mr. GALLINGER) laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the existing sanitary and storm-water sewerage and drainage systems in the city of Hot Springs, Ark., together with plans and estimates for extension, which, with the accompanying papers and illustrations, was referred to the Committee on Appropriations and ordered to be printed.

YAKIMA INDIAN RESERVATION, WASH. (H. DOC. NO. 1299).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the conditions existing on the Yakima Indian Reservation, Wash., which, with the accompanying paper and illustrations, was referred to the Committee on Indian Affairs and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Elias S. Dennis, jr., son and sole heir of Elias S. Dennis, deceased, *v.* United States (S. Doc. No. 1034);

Joseph Hayes *v.* United States (S. Doc. No. 1033);

John A. Hobson, executor of Edward H. Hobson, deceased, *v.* United States (S. Doc. No. 1032);

Charles J. Hovey, administrator of Alvin P. Hovey, deceased, *v.* United States (S. Doc. No. 1031);

Byron R. Pierce *v.* United States (S. Doc. No. 1030);

Ella S. Marsh, Francis C. Sherman, Eaton G. Sherman (children), Martha Miller, Louis S. Aldrich, and Eleanor A. Radonavitz (grandchildren), sole heirs of Francis T. Sherman, deceased, *v.* United States (S. Doc. No. 1029);

Simon Lyon, administrator of Adolph von Steinwehr, deceased, *v.* United States (S. Doc. No. 1028);

Charles V. McAdams, administrator of George D. Wagner, deceased, *v.* United States (S. Doc. No. 1027);

Charles C. Walcutt, Sherman Walcutt, and John M. Walcutt, children and sole heirs of Charles C. Walcutt, deceased, *v.* United States (S. Doc. No. 1026);

Cyrus Bussey *v.* United States (S. Doc. No. 1025); and

Robert P. Bradley, executor of Luther P. Bradley, v. United States (S. Doc. No. 1024).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 14053) to increase the pensions of surviving soldiers of Indian wars in certain cases, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

The message also announced that the House had passed the following order, in which it requested the concurrence of the Senate:

Ordered, That a message be sent to the Senate, notifying that body that an error has been made in the engrossment of the bill H. R. 26874, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914," approved January 9, 1913, as sent from this House to the Senate, which error consists in incorporating in said engrossed bill a section thereof, on page 24, lines 7 to 15, inclusive, as follows:

"The sum of \$300,000 to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations in Oklahoma, during the fiscal year ending June 30, 1914: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood."

Said section having been stricken from the original bill by this House previous to the passage of the bill; and that the Senate be requested to permit the Clerk to correct said error.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented resolutions adopted by the Woman's Christian Temperance Union of the District of Columbia, favoring the enactment of legislation authorizing the closing of all bar rooms and saloons in Washington on March 4 next, and also to permanently abolish the "red-light" district, which were referred to the Committee on the District of Columbia.

Mr. ASHURST presented resolutions adopted by the conservation department of the General Federation of Woman's Clubs, of Phoenix, Ariz., remonstrating against transferring the control of the national forests to the several States, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. McLEAN presented a memorial to the State Grange, Patrons of Husbandry, of Connecticut, remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. PERKINS presented a petition of members of the Shakespeare Club of Pasadena, Cal., and a petition of members of the Audubon Society of Los Angeles, Cal., praying for the enactment of legislation for the protection of migratory birds, which were ordered to lie on the table.

Mr. LODGE presented a petition of sundry citizens of Everett, Mass., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. WETMORE presented a memorial of the congregation of the Seventh-day Adventist Church of Slocum, R. I., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. JOHNSON of Maine presented petitions of the State Grange, of Local Grange of Winthrop, and of Local Grange No. 452, of Hartland, Patrons of Husbandry, all in the State of Maine, praying for the passage of the so-called Page vocational education bill, which were ordered to lie on the table.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Cornville, Me., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. ROOT presented a petition of citizens of Binghamton, N. Y., praying for the passage of the so-called Kenyon "red light" injunction bill, which was ordered to lie on the table.

Mr. GALLINGER presented a memorial of the congregation of the Seventh-day Adventist Church of Keene, N. H., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 25780) to amend section 3186 of the Revised Statutes of the United States, asked to be discharged from its further consideration and that it be referred to the Committee on the Judiciary, which was agreed to.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 3130) to authorize the Secretary of the Interior to permit the Conrad-Stanford Co. to use certain lands, reported it with an amendment and submitted a report (No. 1134) thereon.

EMPLOYMENT OF STENOGRAPHERS.

Mr. BRISTOW, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution No. 437, submitted by Mr. MARTIN of Virginia on the 21st instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay for two stenographers to Senators who are not chairmen of committees, at \$1,200 each per annum, from January 11 and January 20, 1913, respectively, to be paid from the contingent fund of the Senate until the expiration of the present Congress.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULLOM:

A bill (S. 8232) authorizing the State Department to deliver to J. F. Reynolds Landis a gift from the Government of Italy; to the Committee on Foreign Relations.

By Mr. JONES:

A bill (S. 8233) authorizing the Secretary of War to relieve the Washington-Oregon Corporation, as far as he may deem advisable in the public interests, from certain conditions in an act entitled "An act granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric transmission lines, across the Vancouver Military Reservation in the State of Washington," approved August 9, 1912 (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 8234) granting an increase of pension to Estelle H. Wholley (with accompanying papers); to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 8235) in relation to forfeited bail bonds and recognizances; to the Committee on the Judiciary.

By Mr. DILLINGHAM:

A bill (S. 8236) granting a pension to Rosa E. Pennell (with accompanying papers); to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 8237) granting an increase of pension to Ferdinand O. Tennison (with accompanying papers);

A bill (S. 8238) granting an increase of pension to Michael McDonald (with accompanying papers);

A bill (S. 8239) granting an increase of pension to Thomas Moody (with accompanying papers); and

A bill (S. 8240) granting an increase of pension to Charles Belknap (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 8241) granting an increase of pension to Mary B. Stockbridge (with accompanying papers); to the Committee on Pensions.

By Mr. STEPHENSON:

A bill (S. 8242) granting an increase of pension to Johanna R. Busch (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 8243) granting an increase of pension to Lavina G. Clark (with accompanying paper); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 8244) authorizing the Secretary of the Treasury to give to the city of Charleston the "Old Exchange" Building (with accompanying papers); to the Committee on Public Buildings and Grounds.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ASHURST submitted an amendment authorizing the Postmaster General to investigate all claims of postmasters for the loss of money-order funds, postal funds, postal-savings funds, postal-savings stamps, and other stamp paper relating to the Postal Savings System, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. JOHNSON of Maine submitted an amendment proposing to appropriate \$16,000 for improving Carvers Harbor, Vinalhaven, Me., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SUTHERLAND submitted an amendment providing that hereafter no part of an appropriation shall be available for the

payment of the salary of the head of any executive department, bureau, or independent establishment, who, in making reductions in any force employed under the civil service or in any of the executive departments, shall discharge, drop, or reduce in rank, class, position, salary, or compensation any honorably discharged soldier, sailor, or marine whose record is rated good, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed. A.

VENTILATION OF SENATE CHAMBER.

Mr. TILLMAN. I submit a resolution, and ask unanimous consent for its present consideration.

The resolution (S. Res. 438) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the special committee authorized by Senate resolution 432 be instructed to consider the propriety of securing purer air in the Senate Chamber by submitting a rule of the Senate forbidding smoking in the Chamber at any time by anybody.

Mr. TILLMAN. I ask that the resolution be referred to the special committee when appointed.

The PRESIDENT pro tempore. That order will be made.

IMMIGRATION OF ALIENS.

Mr. LODGE. I ask, for the convenience of the Senate, that the immigration bill as agreed upon by the conferees may be printed, so that it may be ready for the use of the Senate when the conference report comes from the House.

The PRESIDENT pro tempore. Without objection, that order will be made.

Mr. LODGE. It can not be taken up until the conference report has been received from the House.

WOMAN SUFFRAGE.

Mr. OVERMAN. Several documents in the document room are out of print, and I ask that they be printed as a Senate document. They are in regard to woman suffrage.

Mr. SMOOT. I will simply ask whether those are the documents the Senator brought to my attention yesterday?

Mr. OVERMAN. They are the documents the Senator put his O. K. on.

There being no objection, the order was agreed to, and it was reduced to writing, as follows:

Ordered, That Senate Report No. 686, and part 2 of said report (47th Cong., 1st sess.); Senate Report No. 399, and part 2 of said report (48th Cong., 1st sess.); House of Representatives Report No. 1330 (48th Cong., 1st sess.); Senate Report No. 1143, and views of minority (52d Cong., 2d sess.); and "Hearings before a joint committee of the Committee on the Judiciary and the Committee on Woman Suffrage of the Senate on woman suffrage," be printed as a Senate document.

PANAMA RAILROAD CO. (S. DOC. NO. 1022).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Inter-oceanic Canals and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress, the Sixty-third Annual Report of the Board of Directors of the Panama Railroad Co. for the fiscal year ending June 30, 1912.

WM. H. TAFT.

THE WHITE HOUSE, January 22, 1913.

INTERNATIONAL CONGRESS ON SCHOOL HYGIENE (S. DOC. NO. 1023).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

On the 19th of August last Congress passed the following resolution:

Resolved, etc., That the President of the United States is hereby requested to direct the Secretary of State to issue invitations to foreign Governments to participate in the Fourth International Congress on School Hygiene, to be held in Buffalo, N. Y., August 25 to 30, 1913: *Provided*, That no appropriation shall be granted at any time hereafter in connection with said congress.

At the time the resolution was passed there were three gentlemen in Buffalo whose means and whose interest in the Congress were such that the people of Buffalo had every reason to believe that the expense of the congress would be contributed by these, their citizens. Since that time the three citizens have died, and there is no written obligation on the part of their estates to meet the necessary expenses.

I recommend the appropriation of \$30,000 (to which the citizens of Buffalo will have to add a substantial sum) as a contribution of the Government to the fund necessary to make the reception of the congress accord with what we regard as American hospitality.

Personally I am very much opposed to any invitation of this sort at the instance of the Government in which the Government does not assume all the expenses of entertainment. Other countries much less able than the United States never extend an invitation of this sort without having proper preparation for the reception of the guests of the nation.

In the peculiar circumstances of the present resolution I urgently recommend the appropriation of the sum mentioned to enable the obligation of the invitation to be properly met. The proviso in the resolution was an unfortunate one, in my judgment, but, whether it was so or not, under the circumstances it offers no reason for Congress not to take the proper course.

WM. H. TAFT.

THE WHITE HOUSE, January 22, 1913.

PROTECTION OF BIRDS.

The PRESIDENT pro tempore. The morning business is closed.

Mr. MCLEAN. Mr. President, I shall detain the Senate for a moment only. I gave notice last week that I would this morning call the attention of the Senate to S. 6497, a bill to protect migratory game and insectivorous birds in the United States, with the hope of securing the consent of the Senate to a vote upon the bill in the near future. I think perhaps I ought to say that at the time the bill was reported in April last I was advised by the friends of the measure not to press for a vote during the first part of the Sixty-second Congress. It seemed to me to be good advice then, and I hope I shall not have occasion to change that opinion. But under the circumstances, Mr. President, inasmuch as the method of conducting the business of the Senate has reached that stage of refinement where it is utterly impossible to secure affirmative legislation without the consent of every Member of the body, there is nothing for me to do but appeal to the Senate to consent to a vote upon this bill.

I have not burdened the Senate with this matter, but since the bill was reported I have received telegrams, day letters, night letters, and petitions in great numbers from all portions of the United States urging me to press the bill to a vote, and I will now ask the Secretary to read two communications, one of which is from Mr. Spear, of Texas.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

2015 BRYAN STREET, Dallas, Tex.

United States Senator MCLEAN,
Washington, D. C.

DEAR SENATOR: I am glad to notice that you are urging a bill for the protection of migratory birds. The slaughter of robins during extreme cold weather when driven to this country for feed and shelter is beyond computation. Men, void of principle, go to the robins' roosts at night and, by blinding the poor birds with a bright light, the birds are thrashed down by hundreds. I have talked with men who have seen sacks full of dead birds. I have seen large numbers that were trapped as I have noted.

Last winter boys shot 20 to 30 each day for a long period of cold weather. People of the Middle and New England States may conclude that the robins have gone elsewhere when it is noticed that they are not building nests as of yore or that so few have been noticed. The cause of it is that they have been slaughtered in the South during the winter.

Senator CALDERSON is a humane man and no doubt would agree with the writer if his attention were called to the gradual extermination of robins, ducks, and all other migratory birds. You can be told here that we have a law making the killing of robins an act punishable by a fine of \$5. This law is not enforced. There are many good people throughout all Southern States that would be delighted to have the Government, through the Agricultural Department or any other department, take measures to more fully protect migratory birds.

With best wishes, I remain,

Yours, most respectfully,

THOS. S. SPEAR.

Mr. MCLEAN. I now ask to have this telegram read, which I received a few days ago.

The PRESIDENT pro tempore. Without objection, the telegram will be read.

The Secretary read the telegram, as follows:

CHICAGO, ILL., January 16, 1913.

HON. GEORGE P. MCLEAN,

United States Senate, Washington, D. C.:

You can't possibly comprehend how widespread and deep is the sentiment generally in favor of your bill for the protection of migratory birds. Your appeal for an early and favorable vote on this matter should have the earnest support of all the Members of the United States Senate who would serve their country by saving for it one of our most valuable and interesting natural resources, now being rapidly destroyed. No measure now pending before Congress is more far-reaching in its importance or is more greatly needed. We strongly urge its passage.

GLEN BUCK.

For John Burroughs and Ernest Thompson Seton.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Kansas will propound the inquiry.

Mr. CURTIS. In view of the statement made by the Senator from Connecticut that the only way to get up the bill is by

unanimous consent, I desire to ask the Chair if it would not be properly within the rules for the Senator from Connecticut to move during the morning hour to proceed to the consideration of the bill.

The PRESIDENT pro tempore. It would be in order.

Mr. McLEAN. I thank the Senator from Kansas. I intended to make that or a kindred motion, but I want, first, to call the attention of the Senate to the fact that I have here expressions from two extremes. The letter which was read was written by a practicable, civilized farmer, and, I think, represents the class of appeals that I have received pretty generally from the Southern States. The telegram, as you will note, was received from John Burroughs and Ernest Thompson Seton, who represent the very highest authority we have upon this subject, and it seems to me that it is an authority to which we should lend a willing ear before it is too late.

If there is objection to the consideration of this measure today, I desire to propose a unanimous-consent agreement. I do not know that there will be opposition to its consideration, and I will ask the consent of the Senate to take up the bill now.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent to proceed to the consideration of the bill which he has indicated. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 6497) to protect migratory game and insectivorous birds in the United States.

The PRESIDENT pro tempore. The bill has been heretofore read in full. It is before the Senate as in Committee of the Whole and open to amendment. If no amendment be proposed the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PANAMA CANAL TOLLS.

Mr. O'GORMAN. Mr. President, I desire to address a few observations to the Senate with respect to the bill to repeal certain features of the Panama Canal act which was passed at the last session of Congress.

Mr. GARDNER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Maine?

Mr. O'GORMAN. I do.

Mr. GARDNER. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Maine suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Lodge	Shively
Bourne	Cullom	McCumber	Simmons
Bradley	Dillingham	Martin, Va.	Smith, Ariz.
Brandegee	Fletcher	Martine, N. J.	Smoot
Bristow	Gallinger	Myers	Stephenson
Brown	Gardner	Newlands	Sutherland
Bryan	Gronna	O'Gorman	Swanson
Burnham	Guggenheim	Oliver	Thomas
Burton	Haskell	Overman	Thornton
Catron	Hitchcock	Page	Tillman
Chamberlain	Johnston, Ala.	Penrose	Townsend
Chilton	Johnston, Tex.	Percy	Wetmore
Clark, Wyo.	Jones	Perkins	
Clarke, Ark.	Kern	Pomerene	
Crawford	Lippitt	Root	

Mr. THORNTON. I desire to announce the absence of my colleague [Mr. FOSTER] on account of illness in his family. I ask that this announcement stand for the day.

Mr. KERN. I again announce, for the day, the unavoidable absence of the junior Senator from South Carolina [Mr. SMITH] on account of illness in his family.

The PRESIDENT pro tempore. On the call of the roll 57 Senators have answered to their names. A quorum of the Senate is present. The Senator from New York will proceed.

Mr. O'GORMAN. Mr. President, as I understand the bill which is being discussed, it provides for the repeal of a clause in the Panama Canal law exempting coastwise vessels from the payment of tolls, or, in the alternative, recommends that the disputed question of interpretation and construction of the Hay-Pauncefote treaty be referred to arbitration. I am unalterably opposed to both propositions.

It has been stated that the legislation enacted at the last session was ill-advised and hasty and without proper consideration. I am sure when that statement was made to the Senate the Senators who heard the declaration were surprised, because it is within the knowledge of every Member of the body that the bill enacted at the last session for the regulation of the Panama Canal received the consideration of the Inter-oceanic Canal Committee for many months and was the subject of discussion on the floor of the Senate from time to time for perhaps four or five weeks. Many Senators par-

ticipated in the discussion; and after very thoughtful consideration of the merits of the bill, with the same objections then urged that we have heard in the last day or two, the Senate adopted the existing law by a vote of 45 in its favor against 15 in opposition.

The great remedy which was sought to be accomplished by that law receives very little attention and was scarcely alluded to by those who opposed its passage. It was sought by the proper use of the Panama Canal to place a wholesome restraint upon the transcontinental railroads in the imposition of their charges. It is common knowledge that for many years the transcontinental railroads looked with disfavor upon the building of a Panama Canal, because those interested in the railroads knew that with the opening of the Panama Canal cheap transportation by water would require the railroads to reduce their rates and would deprive them of the monopoly which they sought to obtain.

There was a time when the Southern Pacific Railroad was found in competition with the Pacific Mail Steamship Co. There was a wholesome competition which worked for the benefit of the people of the country. That competition was destroyed as soon as the Southern Pacific Railroad was able to secure 51 per cent of the stock of the Pacific Mail. Rates were then placed so high as in some instances to be prohibitive; and it appeared from the lips of many witnesses, many citizens from different parts of the country who testified before our committee, that the best results to the people from the use of the Panama Canal could be secured only by prohibiting the use of the canal by railroad-controlled boats. The proposal to enact this legislation encountered opposition at every step, and I remember during some remarks I had the honor of making in this body on the 17th of July last that I called attention to what was really within the knowledge of every Member—that no railroad corporation in this country ever secured the control of a competing water line without destroying competition. I called attention to the fact that every foot of rail east of the city of New York, that every foot of rail through New England, was controlled by one railroad system; that every boat on the Sound engaged in water transportation between New York and New England was controlled by the same corporation; and that that corporation, perfecting its monopoly, had sought, and had almost acquired, control of every foot of trolley-line service through that important section of the United States.

I called attention to the circumstance that the city of Bridgeport, one of the great cities of New England, a great manufacturing center, did not own a single foot of its own water front; that it was owned by the New Haven Railroad; that no independent boat could get a landing in Bridgeport; that the boats of the New Haven road had the business of Bridgeport by water and the railroad had its business by land; that every pound of freight going in and out of that great city was subject to such rates and charges as one corporation saw fit to impose upon the people, and that, contrary to the practice that has prevailed at different times in other parts of the country, the cost of transportation by water on the New Haven Railroad boats was as large as the charge in most instances by rail, although every student of transportation knows that it is less expensive to transport goods by water than by rail.

After making those statements, three of my distinguished colleagues from New England took occasion to say that I was in error in supposing that the New Haven system had any monopoly, and asserted that the people were well satisfied with the service and conduct of the New Haven Railroad. But within two months after that declaration all the people of New England were up in arms against the aggressions of that road. The governor of Rhode Island, the governor of Massachusetts, and the legislatures of most of the New England States were loud in their condemnation of the conduct of the New Haven system, and urged that the municipalities or the States should take over the control of the railroads as their only relief from burdens that were too heavy to bear.

You rarely hear in the discussion of the Panama Canal bill any reference to its railroad features. I concede that the provisions which seek to exclude railroads from the use of the waterways of the country are drastic, but I insist that they are necessary if the people of the country are to be saved from the domination of great monopolies.

We provided in the bill that our coastwise ships should be permitted to use the canal free. We were induced to this course by two considerations: First, to encourage our coastwise shipping, and, second and more important, to secure the cheapest possible transportation by water. Cheap water transportation will compel the competing transcontinental railroads to maintain reasonable rates. The main purpose of the legis-

lation was to reduce the cost of domestic transportation. This clearly presents a question of domestic policy, having no relation to international obligations.

Of course, we hear it said "You have violated the treaty with Great Britain," and we are told from time to time that we must maintain our reputation for national integrity with the countries of the world. But we have not violated the treaty by exempting our coastwise vessels. England, under a similar act passed in 1815 guaranteeing equality to the ships of the United States in the harbors of Great Britain, has for 98 years discriminated in favor of her local shipping. We have some people in this country who are more English than the English themselves in the consideration of our treaty relations.

We are told that possibly a painful impression will be made. I am sure that a painful impression will be made abroad if we surrender one of the most essential attributes of sovereignty. We can never permit a foreign power to intrude upon us its views affecting our domestic policy. If we yield once, further encroachments will be made upon our integrity as a Nation.

The Law Magazine and Review, of London, in its issue of November last has two instructive and illuminating articles on the controverted interpretation or construction of the treaty, both written by Englishmen who are good lawyers, one of whom concludes his consideration of the question as follows:

Much again has been said, with little approach to accuracy, by those who demand investigation, regarding the supposed obligation on the part of the United States to refer, as a matter of abstract opinion, the issue of the validity of the decision of the Legislature of the United States, and the construction of the international documents which such decision may affect, to any international tribunal of arbitration, whether one constituted ad hoc or one existing as a matter of international recognition in the shape of what is shortly known as The Hague Tribunal. The latter court, gradually advancing though it may be to international acceptance, can not yet be said to have reached the point of supplanting the traditional right and efficacy of national courts to deal with questions of international treaty construction. When the United States is directed with newspaper unanimity, but with scant courtesy, to refer the abstract question of the capacity of its Legislature to act in accord with treaty obligations, one has only to consider the probable attitude of Great Britain if a similar statute of its Parliament was on similar grounds called into question. Firstly, Great Britain could point out that, if the perfection of impartiality is demanded, it would be difficult to constitute an international tribunal, the members of which would not be drawn from States interested in the commercial neutrality of the Panama Canal. Secondly, it could point out that its own courts were fully qualified, according to the acknowledged doctrine of international usage, to pass upon any issue involving the application of the law of nations. And thirdly, it could rest upon the immemorial practice by virtue of which an act of its Legislature has not been treated as subject to the juridical review of constituted foreign opinion. It would be a courageous jurist who would aver that the Supreme Court of the United States, the ultimate arbiter of the very Constitution of its country, is ill equipped, it would be a courageous statesman who would suggest that that court could not be trusted to hold the balance fairly, for the purpose of enforcing, or at any rate of declaring, the claims of all conflicting interests.

It would appear that recourse to context and preamble would enable the United States, having regard to the "general sense and spirit," to succeed. There is no contractual understanding by any States outside the United States on the one hand, and Great Britain on the other. There is no provision analogous to that contained in the Clayton-Bulwer treaty providing for the adherence to the convention of any third State. The whole of the advantages are to be enjoyed by any State for the time being accepting the conditions of working, without any obligation on the part of any State to remain bound to such conditions further than during periods which may be of intermittent uses. Even between the actual contracting parties, Great Britain and the United States, there are no collateral or reciprocal obligations by way of consideration explicitly undertaken. Any State for the time being using the canal, and so assenting to be bound by the conditions, can, by bounty to its own vessels or in any other way not amounting to a breach of international obligations, differentiate in favor of its own vessels and against those of any other State, including the United States.

To sum up, it is reasonably arguable—

(a) That the United States can support its action on the precise words of the material articles of the treaty, that its case is strengthened by reference to the preamble and context, and that its case is difficult to challenge on grounds of general justice;

This is not the declaration of an American; it is the declaration of a subject of Great Britain—

(b) That there is no international obligation to submit the construction of its legislative act to any process of arbitration; and

(c) That any aggrieved party has an appropriate, an impartial, and a competent tribunal in the Supreme Court of the United States.

That article is written by Edward S. Cox-Sinclair.

Mr. BRADLEY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Kentucky?

Mr. O'GORMAN. I do.

Mr. BRADLEY. Will the Senator please read that third proposition? I did not catch it exactly.

Mr. O'GORMAN. The third proposition is this:

That any aggrieved party has an appropriate, an impartial, and a competent tribunal in the Supreme Court of the United States.

Mr. TOWNSEND. Does the Senator agree with him on that?

Mr. O'GORMAN. I have no comment to make at this time with reference to the third point. I am only quoting the English attitude. We have been taught to believe that they look with disfavor upon our legislation. I am demonstrating that they do not.

I now read from the same volume an article by Mr. C. A. Hereshoff Bartlett. I quote:

The provision of the treaty referred to means that there shall be no discrimination by the United States against any one foreign nation, or its citizens or subjects, in favor of any other foreign nation, or its citizens or subjects, in respect of the conditions of or charges for traffic or otherwise. "On terms of entire equality" refers to the equality extended to all nations other than the United States; that is to say, it is prohibitive of the United States favoring one foreign nation as against another. Its purpose was to provide that vessels of commerce of all nations foreign to the United States should enjoy the same equality among themselves; but this is quite another thing from saying that vessels of commerce of foreign nations shall enjoy the same equality as the vessels of commerce of the United States, and that the Federal Government can not, without infringing the terms of the treaty, extend the free use of the canal even to its own vessels engaged in the coastwise trade. What else does the expression "there shall be no discrimination against any such nation" mean? It means that no attempt should be made by the Federal Government to promote the interests of one foreign power to the detriment or exclusion of another; that all foreign nations should stand together equal and alike in the use of the canal.

"On terms of entire equality" was intended to prevent the United States discriminating in favor of one foreign nation against another foreign nation. The Federal Government was laying down its own rules, not for the regulation of its own ships of war and of commerce, but for the ships of war and of commerce of the stranger beyond its ports, and it unhesitatingly declared that the canal that might be built under its auspices should be free and open to them on terms of entire equality. No advantage should be obtained by one foreign nation over another foreign nation; there should be no favoritism, no special benefit or privilege extended to one that should not be open alike to all foreign nations. This is what the provision means and nothing more. It would require the interpolation of terms not contained in the treaty itself to sustain any other construction.

There is no invidious discrimination against any one foreign nation under the Panama Canal act. All foreign nations engaged in the same commerce—over-seas trade—are treated alike; are subject to the same restrictions and are entitled to the same privileges under similar conditions. On general principles treaties as well as legislation discriminating against some and favoring others are objectionable; but treaties and legislation which in carrying out a public purpose are limited in their application—if within the sphere of their operation they affect alike all persons or objects similarly situated—are not unjust discrimination.

Specific regulations of one kind of commerce which may be necessary for its protection can never be the just ground of complaint because like regulations are not imposed upon commerce of a different kind. The discriminations which are open to objection are those where persons engaged in the same commerce and plying their trade under the same conditions enjoy different privileges. It is only then that the discrimination can be said to impair that equal right which all can claim to whom it is accorded by law.

There is no evasion of the rule of equality where all foreign vessels are subjected to the same duties and liability under similar circumstances.

The treaty could never have been intended to prevent the Federal Government from arranging and regulating its domestic or coastwise commerce and in the use and enjoyment of its own property as it saw fit.

No such restriction could have been in view in adopting "as the basis of neutralization" a rule that the canal should be free and open to the vessels of commerce and of war of all nations on terms of entire equality. It would be absurd for the United States to solemnly declare that its own vessels of war might openly and freely navigate its own landlocked waterways and enjoy the privileges that belong to the Nation as a sovereign power in the use of its own territory. The use of the words "vessels of war" shows plainly that the word "vessels" as used referred only and exclusively to those of all nations other than those of the United States, and that the word "nations" was restricted to foreign nations; that is to say, nations foreign to the United States. What the opponents of the canal act seek to accomplish is to add to this phrase after the word "equality" the words "with its own." So that it would read "on terms of entire equality with its own." But that is precisely what was not contemplated and what was never within the minds of the contracting parties. The United States was not adopting a rule for the use of its own canal—its own enterprise and work achieved at the cost of its own national treasure—but was simply laying down a rule for the equal treatment alike of all foreign vessels in a ship canal that might be built beyond its territory, but under its supervision and direction. That is to say, it was not laying down rules to regulate its own conduct in the beneficial use and enjoyment of its own property, or abandoning what one day might belong to the Nation just as much as Porto Rico or the Philippines. No such relinquishment by the Federal Government was ever within the contemplation of those who negotiated the treaty.

It is inconceivable that the United States, when it agreed in the treaty that the canal should be free and open to the vessels of commerce of all nations, intended to recognize or to feel itself bound to recognize on terms of entire equality foreign vessels of commerce with those of its own engaged in domestic or coastwise trade, or to so restrict its sovereign authority over its own commerce that it could not consistently with the treaty abolish tolls on its own shipping that might be entirely foreign to the conceptions of the American people and inconsistent with their commercial interests.

The Hay-Pauncefote treaty not only referred to vessels of foreign nations engaged in foreign trade, but it excluded those engaged in the coastwise trade. The contracting parties did not have these in mind in framing the treaty. The disputed provision refers to perfect equality, and therefore must necessarily include only those vessels capable of sailing within this term; and the only vessels of commerce that were then, are now, or ever have been treated on the same terms of equality under the usage of nations are vessels of commerce engaged in foreign trade. Vessels of commerce following the coastwise trade have never

been placed on an equality with those engaged in commerce with foreign nations, nor could they be without violating national laws or the inherent right of a nation to control its domestic shipping. There is a well-defined distinction between vessels engaged in foreign commerce and the local coastwise vessel sailing under its own nation's flag between home ports. Coastwise vessels ply their trade under different conditions from those engaged in foreign commerce. They form a separate and distinct class; they are governed by different laws; they are subjected in their own ports to lesser duties and charges or to none at all; and they are jealously protected by their own government which, invariably by one means or another, discriminates in their favor.

Congress has always adhered to the policy of restricting domestic commerce—that is, vessels trading from one port in the United States to another port in the United States—to American vessels owned and navigated by American citizens. There is nothing special and peculiar in this legislation. It is in harmony with the policy not only of the United States, but of every sea-bound nation, to encourage and protect under special privileges its domestic maritime trade. The same system has been observed by the treaty-making power of the Government, which has frequently given emphasis to the doctrine by express reservations in treaties.

The terms "vessels of a nation," or even "vessels," as used in treaties, have received among commercial countries their own interpretation by long-continued custom and acquiescence, and are universally accepted as not embracing vessels other than those plying between one foreign country and another, so that in the negotiation of treaties the high contracting parties have never had in contemplation coastwise vessels in laying down rules for equality of treatment of the vessels of their respective countries.

In addition to the 3 treaties above mentioned, 28 other treaties of commerce and navigation were concluded between the United States and foreign countries between the years 1825 and 1887, which expressly excepted their respective coastwise trade.

England has always carried out the same policy as that of the United States with reference to her coastwise vessels, either by safeguarding her home trade diplomatically in express exemptions in treaties or by subjecting her coastwise vessels to other and different dues and charges from vessels engaged in the over-seas trade, thus practically discriminating in favor of her own domestic marine.

In principle the two things are the same, the result being that the stranger coming from over the seas, in spite of all the pretense of uniformity, mutuality, and equality of treatment, has to pay larger and heavier port dues than the British coastwise vessel, and this is the practice at British ports to-day, as it has always been, even in spite of the most formal treaty stipulations to the contrary. While to-day England's coastwise trade is open to ships of other nations, yet this was not always so, for at one time it was provided by law that no goods or passengers should be carried coastward from one port of the United Kingdom to another except in British ships, the same act defining what the coastwise trade was, and as late as in 1870 it was provided by act of Parliament that no goods or passengers should be carried by water from one port of Canada to another except in British ships. The whole history of English diplomacy has been uniform with that of the United States and other commercial countries, either in specifically exempting coastwise trade from its conventions and treaties, or by doing so in establishing different and other duties and charges for her coastwise marine than those imposed at the same port on vessels engaged in the over-seas trade.

It may be argued that these treaty provisions specifically exempting coastwise vessels are evidence that Great Britain and the United States in omitting them in their treaties thereby recognized that the treaties between these countries included both foreign and coastwise vessels, but such an argument is without merit, because the fact exists to-day, as it has for generations, that England herself discriminates in favor of her own vessels engaged in the coasting trade. The treaty of 1815 provides: "That no higher or other duties or charges shall be imposed . . . in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels."

If England's interpretation of the Hay-Pauncefote treaty holds good, then how does she justify, under the language just quoted of the treaty of 1815, her discrimination in tonnage duties in favor of her coasting vessels? And yet this is precisely what she has always done and is doing to-day. No explanation or recrimination can alter the fact that Great Britain has always adhered tenaciously, like other seagirt nations, to the policy of favoring coastwise vessels, and that wherever Britannia rules they form a class separate and distinct from vessels employed in foreign trade, and that they have always been excepted from the term "vessels" as used in all international agreements. So true is this that it would seem unnecessary to go into details, although abundant proof is at hand.

Take, for instance, the port of Bristol. Every vessel entering from or departing for the east coast of the United States of America, including ports of the United States of America in the Gulf of Mexico, pays 1s. 1½d. per registered ton, while every vessel entering or departing for the Channel Islands, Ireland, the Isle of Man, or any part of Great Britain, not including Barry, Penarth, Cardiff, Newport, and other ports to the eastward of the Holmes, pays only 5d. per registered ton.

From a comparison of the foregoing port charges it appears that an American vessel of 5,000 tons on entering or departing from the port of Bristol from or for the east coast of America pays tonnage dues at the rate of 28 cents per ton, or 56 cents for entering and departing, while vessels entering or departing for the Channel Islands, the Isle of Man, or any part of Great Britain, with a few exceptions, pay only 10 cents a ton, or 20 cents for both entering and departing. At these rates an American vessel of 5,000 tons arriving from over seas is compelled to pay at the port of Bristol on entering or departing \$90 tonnage dues, or on entering and departing \$180, while if no other or higher duties or charges were imposed than those payable in the same ports on British vessels according to the treaty of 1815, then such American vessel would only have to pay \$50 on entering or departing, or \$100 on entering and departing, making a difference in the first instance of \$40 and in the second of \$80. This may not be discrimination according to English views, but it looks exceedingly like it from an American standpoint.

The rates and dues exacted at the port of Liverpool (Mersey docks and harbor board) afford some startling illustrations of this discrimination. Dock tonnage rates on vessels are imposed according to the class of voyage, that is to say, the vessel's destination. Those coming within class 6, which includes all ports on the east coast of North America, pay

1s. 4d. per ton, while those under class 2, between the Mull of Galloway and Duncans Bay Head, including the Orkney Isles and all the islands on the western coast of Scotland, and between St. Davids Head and the Lands End, including the Scilly Island and the east coast of Ireland from Cape Clear to Malling Head, pay 4½d. per ton, and those included in class 3, covering all parts of the east and southern coasts of Great Britain between Duncans Bay Head and the Lands End, including the islands of Shetland and all parts of the west coast of Ireland from Cape Clear to Malling Head, including the islands on that coast, pay 6d. per ton.

Harbor rates on vessels bear out the same discrimination. Those under class 2 pay five-eighths of a penny per ton; those under class 3 pay three-fourths of a penny per ton; while vessels under class 6, embracing the trans-Atlantic trade, have to pay 1½d. per ton, or exactly double. There are also differential dock tonnage rates on vessels in which the same discrimination is carried out as they provide for one-half of the rates specified under classes 2, 3, and 6.

Wharf rates on vessels are as follows: Under class 2, 1½d. per ton; under class 3, 1½d. per ton; and under class 6, 4d. per ton. This is a clear preference in favor of domestic coasting vessels as against vessels engaged in foreign or over-seas trade of 2½d. per ton.

These figures of the port of Liverpool furnish additional examples of the same rigid discrimination in favor of England's coasting vessels. American vessels coming across seas, for entering and leaving port pay harbor rates of 33 cents a ton, while some coasters pay only 9 cents a ton, or 27 cents per ton less than the American vessel.

Tonnage dues at the port of London are as follows: (1) For every vessel trading coastwise or entering inward or clearing outward from or to any place north of latitude 48° 30' N., and between longitude 12° W. and 65° E. of Greenwich, for every voyage both in and out, 1d. per ton. (2) For every vessel entering inward or clearing outward beyond those limits, 1½d. per ton. (3) For vessels under 100 tons which do not pass beyond the seaward limit of the port, a halfpenny per ton. (4) Coastwise vessels not exceeding 45 tons, vessels bringing corn coastwise, fishing smacks, and lobster and oyster boats are exempt from dues.

This discrimination of 1 cent a ton for entering and clearing port in favor of coastwise vessels and against trans-Atlantic vessels may on first impression seem trifling; but when on calculation it is found that on a vessel of 5,000 tons this additional 1 cent per ton on entering and leaving port amounts to \$50, it is evident that all sense of equality between ocean-going vessels and those employed in the home trade only is completely discarded.

If England for a moment believed that the words "British vessels" or "vessels of the United States" as used in the treaty of 1815 included or was ever intended to include coasting vessels, she would not have established and enforced differential rates at her various ports in favor of coasting vessels, for that would then be a flagrant violation of the rights secured to vessels of the United States under the treaty. Not only this, but such an interpretation on the part of England would afford the United States to justly demand that vessels of the United States pay the same dues and charges at British ports as are exacted from British vessels engaged in the coastwise trade, instead of those largely increased and heavier dues and charges that American vessels have to pay.

But, in addition to this, Great Britain, by assent and ratification under circumstances similar to those that have arisen under the Panama Canal act, is not in a position to now insist on an interpretation of the equality clause of the Hay-Pauncefote treaty different from that in accordance with the established interpretation she herself has put upon the treaty of 1815 and of like clauses in other treaties.

The second article of the treaty of 1815 is as follows:

"No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States, nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels."

This treaty was to be obligatory for four years from its ratification; but it was extended for 10 years by the convention of October 20, 1818, and indefinitely extended by the convention of August 6, 1827, so that it is a subsisting treaty to-day.

It will be seen that the provision above quoted from the treaty of 1815 is as broad and comprehensive as the equality clause contained in the Hay-Pauncefote treaty and that it embraces all vessels of either country without exception or distinction as to whether they may be engaged in over-seas commerce or the coastwise trade. If, therefore, the expressions "British vessels" and "vessels of the United States" do not embrace vessels employed in the coastwise trade as England has herself interpreted the words for nearly a century, it is incomprehensible that she should now pretend in an outburst of indignation that the words "vessels of commerce of all nations" contained in the Hay-Pauncefote treaty does refer to and include those very vessels that she has always excluded under the terms "British vessels" and "vessels of the United States."

It is an interesting fact not generally known that the provision of the treaty of 1815, to which reference has been made, has been judicially interpreted by the courts of the United States in a litigation ending in a judgment rendered by the Supreme Court of the United States in 1904, which declared that a British vessel engaged in foreign commerce was not entitled under the treaty of 1815 to the exemption from paying pilotage accorded by law to American vessels engaged in the coasting trade. (*Olsen v. Smith*, 195 U. S.)

Not only has this interpretation of the treaty of 1815 been adopted and carried into practice by Great Britain for nearly a century, thus giving it the same validity as though a clause excepting coastwise trade had been therein inserted, but England's continued silence and acquiescence and failure to object to a like interpretation by the Supreme Court of the United States in the case cited is in itself an implied ratification and adoption thereof and is equivalent in its consequences to an express declaration of approval.

If, therefore, the words "British vessels" and "vessels of the United States," as used in the treaty of 1815, do not include vessels engaged in the coasting trade, as I feel has been sufficiently demonstrated, it is difficult to understand how the words "vessels of commerce of all nations," as used in the Hay-Pauncefote treaty does include them.

Mr. President, these articles confirm the views presented by Senators when this subject was under discussion last session. They are the views of President Taft and his distinguished Sec-

retary of State, Mr. Knox, and afford ample authority for the conclusion reached by the Senate last August. It has been stated that during the progress of the negotiations preceding the adoption of the Hay-Pauncefote treaty Senator Bard proposed, in substance, the adoption of a declaration that the provisions under discussion were not intended to affect the vessels of the United States. It is said that was voted down at the time, and that therefore it is a concession that no vessels of the United States should be exempted from the provisions of the Hay-Pauncefote treaty. But I ask whether it is not more probable that the reason the suggested provision was voted down was that many of the lawyers in this body deemed it wholly unnecessary; that the treaty as it was originally proposed conferred that right upon the United States, and needed no modification in that regard?

We are reminded that we have been the apostles of the peace movement; that we would be untrue to our traditions if we did not permit this question to be disposed of by an arbitration court. In some quarters it is forgotten that a year ago, after long discussion, the Senate refused to enter into a treaty with any foreign power by which every controversy was to be settled by arbitration. We have numerous arbitration treaties now, but every treaty excludes from submission to arbitration three classes of questions—those affecting our national honor, our vital interests, and the rights of third parties. And we have solemnly refused to go further in support of arbitration policies.

The question confronting us is, Shall we permit foreign governments to dictate to the United States respecting our domestic policies? If our right to pursue a domestic policy be challenged by a foreign power, our national integrity is impeached if we yield to such an influence.

Senators, I can conceive of no question more vitally affecting our national honor and integrity than a question such as is proposed to us now—that a domestic policy inaugurated by the Congress of the United States for the benefit of the American people must first secure the approval of a foreign nation.

As suggested in one of the articles to which I have invited your attention, can you imagine what would happen if our positions were reversed and if we presumed to dictate to a foreign power what its domestic policy should be, and if when the foreign power refused to yield to our dictation we should say, "Well, this is a proper case for an international tribunal"?

As President Cleveland said on an historic occasion, "There is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice and the consequent loss of national self-respect and honor, beneath which are shielded and defended a people's safety and greatness."

It must not be forgotten that you can never have an international tribunal where the representatives of a foreign power are in sympathy with the Monroe doctrine. Foreign powers tolerate the Monroe doctrine, but they do not recognize it as international law.

If Great Britain had expended almost half a billion dollars in a public enterprise affecting the people of that country, what would be her answer if the United States undertook to impose undue restraint upon Great Britain's use of her own property? Nor should the circumstance be overlooked that in this legislation the very thing of which complaint is made is something which Great Britain concededly can do. Yet she would refuse the like privilege to us, notwithstanding the fact that we built the canal and that the people of the United States contributed over \$400,000,000 for that purpose.

England and every European country for years have been subsidizing their vessels going through the Suez Canal. It is fair to suppose that England and other European powers will continue to subsidize their vessels going through the Panama Canal in their struggle for the commerce of the world. While there is nothing in the treaty which would prevent England or France or Germany or Spain subsidizing their vessels, Great Britain would impose certain restraints upon us. That, at least, was the attitude of the British Government in the first message which was received in June or July of last year. I understand the British Government has receded somewhat from the position it then took; that in a measure it now recognizes our right to subsidize our vessels and to remit the tolls, but insists that we must collect them in the first instance; and because we refuse to do that, the suggestion is made that England is discriminated against and that we must have an arbitration.

There is no principle better established than that the law never requires the performance of an idle ceremony, because an idle ceremony is a useless and unsubstantial performance. Yet under one view advanced by Great Britain she would insist that we must collect the toll as our vessel passes through, even though we immediately return it.

Of course, the claim was made at first, in the general discussion last July or August, that we could not under any circumstances return any part of the toll, but I believe that Great Britain herself has receded from that position.

I do not intend, Mr. President, in view of the time I devoted to a discussion of this question on a former occasion, to delay the Senate further than to insist that we have passed a wholesome law, a law that will confer lasting benefits upon the people of the United States, and that we would indeed create a painful impression abroad if this mighty Nation should surrender the control of its domestic policies at the suggestion of a foreign power. That we never can do and maintain unimpaired the prestige and the honor and the glory of the Republic.

BURDEN OF MAINTENANCE OF CANAL HEAVILY AGAINST THE UNITED STATES.

Mr. NEWLANDS. Mr. President, after over half a century of diplomatic negotiation, of engineering investigation, and of financial negotiation, the Panama Canal is approaching completion, and within a year will be open to the ships of the world. It is estimated that of the tonnage passing through that canal about nine-tenths will be international tonnage, and one-tenth will be domestic tonnage in the coastwise trade. Therefore the immediate benefit of this enormous enterprise, involving an expenditure upon the part of the United States of \$400,000,000, will be enjoyed by foreign countries to the extent of nine-tenths and by the United States to the extent of one-tenth.

In the passage of the act relating to the operation and maintenance of this canal Congress, pursuing its traditional policy of maintaining an untrammelled, an unburdened, and an unfettered domestic waterway transportation, and regarding the Panama Canal, in addition to its international use, as a great domestic waterway connecting the waterway systems of the two coasts and enabling free communication by water between them, declared that no tolls should be levied upon ships passing through the canal engaged in the coastwise trade of the United States.

SOURCE OF ENGLAND'S PROTEST.

England, under the inspiration of Canada—that inspiration doubtless quickened by the action of the Transcontinental Canadian Railroad, whose action in turn was quickened by that of American transcontinental railroads—protests against this declaration that no tolls shall be levied upon ships in the coastwise trade as a violation of the rule of equality fixed by solemn treaty between England and the United States.

The Senator from New York [Mr. Root] has contended that this provision is such a violation of the treaty that we are under obligation either to strip the exemption from our statute or to submit the entire matter to international arbitration.

Mr. President, I shall not enter into any contention as to the character of the occupation of the United States on the Isthmus of Panama as to whether it is there as a sovereign in the ownership and control of a strip of territory 50 miles long and 10 miles wide, with all the powers of sovereignty, or whether the United States is simply there as a trustee for mankind, a trustee for civilization, vested with the occupation and control of this strip, and charged with its administration and under such rules as would attach to any trustee holding a public trust.

I am willing for the purpose of argument to admit that the Panama Canal is to be regarded as a great international public utility, bound by the rule which prevails with regard to every public utility in our domestic concerns to render the same service to all at the same price, and that price a reasonable price. But whilst I am prepared to admit this, I shall contend that it is to be regarded also as a domestic waterway, connecting our two coasts, dovetailed with our entire river and waterway system upon two coasts, and thus constituting a connecting link and part of the great waterway system of the United States.

Assuming that this canal in our international relations is to be regarded as an international public utility which the United States is to administer, I shall contend that it is entitled in justice and right to declare that no tolls shall be levied upon its domestic ships, provided that exemption does not increase the burden of foreign ships engaged in international trade.

NO DISCRIMINATION AGAINST FOREIGN SHIPPING.

Mr. President, what are the facts regarding the construction of this canal and its operation? We first have to maintain its operation. That is to be done by the United States as a trustee of civilization. We have then to maintain the canal. We have then to protect the canal apart entirely separate from our sovereign powers. The protection of that canal is essential to civilization itself, and any expense, however great, which we are subjected to in the fortification and protection of that canal is a charge against the commerce of the world and not simply against the United States as a sovereign.

Then, in addition to that, as a public utility we are entitled not only to a return of the cost of operation, of maintenance, and of protection, but to a fair interest upon an enormous investment of \$400,000,000, a return which should equal at least 5 per cent and which could without exaction be increased to 7 or 8 per cent, for we have the example of the Suez Canal in the interest which it exacts from the commerce of the world, an interest amounting, I believe, to about 10 per cent upon the amount of the investment.

Assuming, then, Mr. President, that we have the right to exact 5 per cent upon \$400,000,000, the commerce of the world, including our domestic commerce, is subjected to a charge in favor of the United States of \$20,000,000 for interest alone annually. Add this to the cost of operation, maintenance, and protection, aggregating \$10,000,000 annually, and you have a claim of the United States as the administrator of this trust against the commerce of the world amounting to \$30,000,000 annually.

Now, how much of that \$30,000,000 do we propose under the Panama Canal act to impose upon the commerce of the world? We have provided that the tolls shall not exceed \$1.25 per ton, and we have provided for lower rates upon ships in ballast. The assumption is that there will be some 10,000,000 tons annually passing through that canal, at an average of about \$1 a ton, or \$10,000,000 annually. So the United States, having a just charge against the commerce of the world of \$30,000,000 annually, will for a long period of time be able, under this Panama Canal act, to collect only \$10,000,000.

Now, how is that apportioned, and how is it distributed among the nations of the world? Assuming that we must treat them all without discrimination, fairly and impartially, we find that, according to the statistics of the tonnage, only one-tenth will be American tonnage and that nine-tenths will be foreign tonnage. So, having a charge against the commerce of the world of \$30,000,000, and our proportionate part of that being only one-tenth, or \$3,000,000, the proportion chargeable to the rest of the world should be nine-tenths, or \$27,000,000; and having that charge against the international commerce of the world, we let it off for \$10,000,000. Yet it is claimed that the United States as a Nation is discriminating against the other nations of the world.

But it is said this condition will not last always, that this proportion will not always continue to exist, that the proportion of American tonnage will increase, and that the foreign tonnage will also increase. We hope it will increase, and we propose to do all we can to stimulate that increase. But at the time the canal act was passed this was the condition of things: We were providing for tolls which would impose upon international tonnage, amounting to nine-tenths of the entire tonnage of the canal, only one-third of our legitimate charge for operation, maintenance, protection, and interest.

REASONS FOR FREEING COASTWISE TRAFFIC FROM TOLLS.

Mr. President, why was it that we declared in the act that no tolls should be levied upon ships engaged in our coastwise trade? We did it, first, because we had imposed upon international tonnage very much less than a fair proportionate charge of our cost of operation, maintenance, and interest, and therefore, in justice to domestic commerce, we could exempt American ships. We did it, further, in pursuance of the traditional policy of the United States, which demanded, so far as our domestic waterways are concerned, that our rivers should be improved, our lakes developed, our canals constructed at the expense of the National Treasury, and without imposing a dollar of burden upon the commerce of the country.

Was it to be expected that the United States, having pursued this traditional policy for over a century, should, when it was assuming the position of a benefactor to the commerce of the world, abandon it and substitute for an unfettered and unburdened domestic commerce a fettered and a burdened commerce?

Now, Mr. President, what is the occasion of this difficulty? What has been the difficulty all the way through with reference to the Panama Canal? Our difficulty has always been the opposition of the transcontinental railway carriers of the country, determined, first, to prevent interoceanic communication and then to paralyze it by the burdens imposed upon it. It was for this reason that for years they prevented and delayed the inauguration of the canal enterprise and that, later on, as its completion approached, they sought to induce us to permit ships owned by transcontinental railroads to traverse the canal, knowing very well from past experience that through their ownership of ships subsidized by the profits from the rail traffic they could paralyze water transportation. Then, having failed in that, they were eager to have us impose a burden upon the domestic transportation between the two coasts

in the shape of tolls, such burdens as all the other waterway transportation of the country is entirely free from.

Having failed to influence and control our legislation, they then sought their brother carrier to the north in Canada, a transcontinental railway running from ocean to ocean and interested with the transcontinental railroads of the United States in monopolizing transportation between the two oceans and in paralyzing the canal. They sought to make that railroad the instrumentality of foreign interference, and through it they appealed to its sovereign country—Great Britain—to protest against this action as a discrimination against foreign commerce in violation of the terms of the Hay-Pauncefote treaty.

Mr. President, I think I have demonstrated that as between nations no disproportionate cost of the maintenance, operation, and interest charge of the Panama Canal has by the act been imposed upon the foreign shipping, but, on the contrary, having the right to impose upon it \$27,000,000 annually we imposed upon it only \$10,000,000 annually, and that we have an interest charge against the enterprise of \$20,000,000 annually, which for years will remain unpaid.

FOREIGN NATIONS CAN NOT OBJECT TO THIS EXEMPTION.

Will it be contended for a moment that having that charge upon this enterprise we can not relieve domestic ships of their tolls and credit those tolls upon the interest due to the enterprise? And if we credit the tolls which are remitted to the interest upon the enterprise do we not to that extent relieve the burdens of foreign international commerce?

All that foreign nations have the right to insist upon is not that we should allow them to control our domestic policy, but that in carrying out the domestic policy which involves levying no tolls upon domestic ships we should see to it that the tolls remitted are not imposed as an additional charge upon the ships of foreign nations. That is all the right which they have either in morals or under treaty obligations.

It is true that when we passed the act we did not expressly provide, in declaring that no tolls should be levied upon American ships, that those tolls should be entered as a credit upon the interest charge of the Nation against the enterprise, but doubtless Congress had it in mind. Throughout the debate you will find the thought running current that the United States was being put to an enormous annual operating and interest expense in this enterprise, chargeable against the world and from which the world was to be largely relieved, and therefore we had a right, so far as the unpaid portion of the interest expense was concerned, to offset the tolls chargeable against domestic tonnage and to enter them as a credit upon our books against the interest charge.

Now, what is the principle of a public utility, assuming that that principle is to control here?

Mr. SIMMONS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. NEWLANDS. Certainly.

Mr. SIMMONS. Do I understand the Senator from Nevada to be taking the position that in fixing rates upon the canal we should estimate the amount of probable commerce and fix a rate that would yield to the United States a given interest upon its investment? Does the Senator think that that would be the proper standard?

Mr. NEWLANDS. I think we have a right to demand that, Mr. President. I think we have a right to demand the application of a principle that applies to every public utility, and that is that the administrator of a public utility should receive not only the expenses of operation, maintenance, and protection, but a fair interest charge upon the investment.

Mr. SIMMONS. Can not the Senator see that that same condition might impose a rate that would paralyze the commerce of the country, so far as the use of this waterway is concerned?

Mr. NEWLANDS. That might be the effect if you fixed the rate so high that commerce would not pay it.

Mr. O'GORMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from New York?

Mr. NEWLANDS. Certainly.

Mr. O'GORMAN. There is no danger of paralyzing the activities of the canal by the mere circumstance that a rate is fixed based upon the cost of construction and cost of maintenance; but it is well to bear in mind that the Panama Canal will always be in competition with the Suez Canal, and, irrespective of the question as to what amount might compensate the United States, the United States must always fix a charge which will permit the Panama Canal to compete with the Suez Canal for a large part of the business that may well flow through the Panama Canal.

Mr. SIMMONS. That being so, if the Senator from Nevada will permit me, might that very condition not make it impossible for us to fix a rate based upon a given income from the commerce through that canal?

Mr. O'GORMAN. In my judgment it would be impossible to fix a rate upon that basis, and the rate already indicated by the President was fixed with reference to the rate now charged in the Suez Canal. In passing, I might say, from such knowledge as I have acquired through the Inter-oceanic Canal Committee hearings and conferences, that there will not come a time in this generation when the United States will receive from the shipping of the world 2 per cent on the money it has expended in the construction and maintenance of that canal.

Mr. NEWLANDS. And therefore has a greater right—

Mr. SIMMONS. Will the Senator yield to me further?

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. NEWLANDS. After I close my sentence. It has a much greater right to relieve its domestic ships of these tolls provided they are credited upon the interest charge of the Nation. I prefer, if the Senator from North Carolina will permit me, not to yield further, as I wish to close my remarks.

Mr. SIMMONS. Very well.

PROPOSED AMENDMENT OF THE ACT.

Mr. NEWLANDS. Mr. President, I wish to say, in explanation of what I have already said in reply to these interruptions, that the United States has the undoubted right to charge against the commerce of the world the operation, maintenance, and interest charges, aggregating \$30,000,000. Whether it can collect that amount from the present commerce is another question. That involves the exercise of discretion by the United States as to the toll which will yield the largest revenue, but it is fair to assume that in time, even at existing tolls, the tonnage of the Panama Canal will advance from its now anticipated tonnage of about 10,000,000 tons annually to 30,000,000. Then existing tolls will furnish a revenue sufficient to pay for operation, maintenance, and interest charges at the rate of 5 per cent, and then, and then only, will the nations of the world have the right to insist that when we have secured a fair rate of interest upon our investment further increases in the tonnage of the canal shall tend toward a reduction in rates rather than an increase in income, applying the ordinary rules controlling public utilities to this matter; but until that point is reached they will have no right to contend that the present tolls are unreasonable or oppressive. If in making these computations we credit the tolls chargeable against American ships to the interest charge of the United States, in the end the commerce of the world is unburdened by the fact that we have refused to levy these tolls upon American ships, but, on the contrary, have credited those tolls as a part payment of the interest with which the enterprise is chargeable.

It would be very simple to arrange this. If it is necessary to give an assurance to the world that we intend to act fairly and justly, as I contend we have acted fairly and justly, all that we have to do is to provide in this very statute by amendment that there shall be a Panama Canal fund dedicated to the payment of the expenses of operation, maintenance, and the interest charges of the United States; that into that fund all tolls collected from foreign ships shall go; and that there shall be credited in that fund against the interest charge of the Nation the tolls properly assignable to American ships in order to do equal and exact justice to the entire world.

RELATION OF THE CANAL TO OUR DOMESTIC WATERWAYS.

Mr. President, the maintenance of our domestic waterway system is of the highest importance. We have expended over \$600,000,000 in the development of the rivers of our country, and as yet we have not navigable rivers. We have met in this work always the opposition of the railway carriers, who have been content that we should expend public moneys upon these rivers, provided they are spent in such a way as not to promote navigation. We have been expending these moneys without a proper system, without regarding each river as a unit with all its tributaries and sources, and controlling and regulating the flow of that river from source to mouth as an instrumentality of transportation, holding back the floods, preventing them from pursuing a destructive course below, and putting them to a beneficent use above, by spreading the flood waters over the arid plains, by storing them artificially for the development of water power, and by constructing by-passes in such a way as that when the floods come below they can be distributed and take their way to the Gulf or to the ocean without destroying vast areas of cultivable land within their reach. This policy, which would regard the river from source to mouth as a unit, which would secure several beneficial uses of the waters of the river, instead of simply one beneficial use in navigation,

and which would make the river itself, with its connections in coordination with the railways, with transfer facilities and sites, and proper legislation, an effective instrumentality of commerce—this policy we will have to pursue. It is the great problem of the future; it involves every river in the country. No stream tributary to a navigable river can be regarded as inconsequential under this plan. If we will only pursue this system, we shall have, in addition to the splendid development of our railway carriers, a development of domestic waterway carriers, and we shall have them both coordinated with ocean carriers that will carry our commerce to the remotest ends of the world. It is this magnificent system that Germany has pursued, equally and cooperatively developing river transportation railway transportation, and ocean transportation, that is rapidly making her the mistress of the commerce of the world. Shall we discourage that policy, the policy which means an unfettered, unburdened domestic waterway transportation? Shall we, simply because the Canadian transcontinental railway has united with the American transcontinental railways to secure foreign intervention in order to secure them a monopoly of the transportation of the country and in order to enable them to paralyze the Panama Canal as an instrumentality of commerce, shall we meekly yield to this demand—this demand not based upon justice or equity—that we should abandon our traditional domestic policy of a free and unfettered domestic commerce? Will we not discharge every obligation to the nations of the world and will we not further increase their obligations to us by declaring that all the tolls remitted to domestic ships shall be credited upon the interest charge of the United States against the nations of the world for the construction and conduct of this gigantic enterprise?

WE HAVE SHOWN A JUST AND GENEROUS SPIRIT.

Mr. President, I contend that the whole history of this transaction furnishes convincing proof, not of the desire of this Nation to oppressively burthen international tonnage passing through the canal, but of a just and generous spirit—a spirit which recognizes our obligations as an international trustee without contention for domestic advantage. No unjust burthen has been placed by its action upon foreign nations. On the contrary, our Nation is to-day bearing, and will for many years continue to bear, a disproportionate part of the burthen of this great international enterprise. Having only one-tenth of the tonnage carried through the canal, it will for a long time bear at least two-thirds of the charges for operation, maintenance, and interest, and against this charge it will receive only a paltry credit of the tolls which it might, if it saw fit, impose upon domestic ships engaged in the coastwise trade, but which, in pursuance of a traditional policy of unrestricted domestic waterways, it proposes to remit. Such remittance imposes no inequality or injustice upon foreign nations. Such nations can easily pay into the canal fund the tolls imposed upon their ships, if they see fit, and those tolls will be righteously adjusted whether they be paid by the ships themselves or by the nations whose flags they bear.

The credit of the tolls of domestic ships upon the interest charge of the United States against the world is the payment of such tolls, and to hold the contrary is to indulge in a refinement of reasoning unworthy of a logician.

ARBITRATION OF AMERICAN QUESTION BY EUROPEAN TRIBUNALS.

There is no necessity for arbitration. If the purpose of the United States is not clear from the reading of the statute and the records of contemporaneous history are necessary to interpret it, let us amend the statute, not by striking out the provision declaring that no tolls shall be levied upon ships engaged in the coastwise trade of the United States, but by adding thereto the simple statement that an account of the tonnage of such ships shall be kept and that the tolls assignable to such tonnage shall be credited upon the interest charges of the United States against the enterprise. If, after this has been done, England still persists in her contention for arbitration, which I do not anticipate, an agitation may arise for the termination of all such treaties, for Americans are beginning to realize that the problems which are to come up for determination under them are not the problems of Europe, of Asia, or of Africa, but the purely domestic problems of the American Continent, which are to be determined in large degree by European juries.

Confident of the justice of our position, let us adhere to our time-honored policy of an unburdened domestic commerce, at the same time seeing to it that an accurate account be kept of our domestic tonnage through the canal and that a proportionate charge on this account be credited upon our interest charge against the canal enterprise. Thus, no disproportionate charge will be made against international tonnage and the

burthens of the canal will be fairly distributed among the nations using it.

Mr. MARTINE of New Jersey. Mr. President, my former vote on the question of tolls on the Panama Canal was the result of my conscientious and deliberate judgment. Notwithstanding the splendid argument of the senior Senator from New York [Mr. ROOR], I am frank to say that I am still unconvinced of any wrong or injustice in my position.

Mr. President, I feel that the Senator from New York was most unfortunate in that part of his remarks where he referred, at least by innuendo, to those who opposed his proposition as "playing to the galleries." No, Mr. President; higher motives prompted my vote on this question. I yield to no man in love and admiration for the lofty sentiments expressed by the Senator from New York. This, however, is not a question of the peace of the world nor of the honor of the American Nation, but it is a question of right and justice to the American people.

The Senator from New York asks, "Are we Pharisees?" No; we are not Pharisees nor hypocrites, but a brave and honorable people demanding our rights. It seems to me that it comes with ill grace for Great Britain even to suggest bad faith on our part, when her whole history has been that of greed and avarice in dealing with the nations of the earth. Read, Mr. President, the story of Great Britain's occupancy of India and of Egypt, and you find it is one long story of commercialism for England, right or wrong.

The Senator calls for arbitration. History tells us that Great Britain's policy has been to arbitrate only with nations stronger than herself. How well I recall a few years ago when that Spartan band, the Boers, in their heroic contest for liberty, prayed and pleaded for arbitration. Humanity the world over joined in that plea; but the ear of Great Britain was deaf to all supplications. Shall we arbitrate this question of our right to regulate the canal we have built and paid for? No; never.

Mr. President, the whole question, I feel, is summed up in this editorial from the London Times of recent date:

If this bill becomes a law it will prove a little short of disastrous to British shipowners. With their best brains and energy devoted to their work, the United States will now proceed to turn out vessels on a wholesale scale, and, aided by their freedom from Panama Canal tolls, there is little to prevent them from entering with success all those trades in which British shipowners are now the principal carriers.

As I said heretofore when this question was before this body for consideration, I now repeat that I favor free tolls for American craft, both ocean and coastwise, and desire that the tolls for all other vessels of the world be only sufficient to maintain the physical condition of the canal, and that the cost and interest thereon shall be America's contribution to the world. I believe that such a policy on the part of this Government with reference to the Panama Canal would rehabilitate our merchant marine, and that in a few years we would command the carrying trade of this hemisphere.

Mr. President, I stand by my former vote on this question, and will vote "no" on the proposition to rescind our former action.

The PRESIDENT pro tempore. The calendar under Rule VIII is in order.

Mr. SIMMONS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names.

Ashurst	Clarke, Ark.	Johnston, Ala.	Percy
Bankhead	Crawford	Johnston, Tex.	Perkins
Bourne	Cullom	Jones	Pomerene
Bradley	Cummins	Kern	Root
Brandeggee	Curtis	La Follette	Simmons
Bristow	Dillingham	Lippitt	Smoot
Brown	du Pont	Lodge	Stephenson
Bryan	Fletcher	McLean	Stone
Burnham	Gallinger	Martin, Va.	Sutherland
Carson	Gamble	Myers	Swanson
Chamberlain	Gardner	Oliver	Thomas
Chilton	Gronna	Overman	Thornton
Clapp	Hitchcock	Page	Works
Clark, Wyo.	Johnson, Me.	Paynter	

The PRESIDENT pro tempore. On the call of the roll 55 Senators have answered to their names. A quorum is present.

EXECUTIVE SESSION.

Mr. SMOOT. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The Senator from Utah moves that the Senate proceed to the consideration of executive business. [Putting the question.] By the sound the "ayes" appear to have it.

Mr. CLARKE of Arkansas. I ask for a division.

The Senate proceeded to divide.

Mr. CLARKE of Arkansas. Mr. President, I call for the yeas and nays. That will be more satisfactory.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. LIPPITT (when his name was called). I transfer my pair with the Senator from Tennessee [Mr. LEA] to the Senator from New Mexico [Mr. FALL] and will vote. I vote "yea."

Mr. PENROSE (when his name was called). I will transfer my pair with the junior Senator from Mississippi [Mr. WILLIAMS] to the junior Senator from Nevada [Mr. MASSEY] and will vote. I vote "yea."

The roll call was concluded.

Mr. LODGE (after having voted in the affirmative). I will ask whether the junior Senator from Georgia [Mr. SMITH] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. LODGE. I have a pair with that Senator, but I will transfer it to the Senator from Maryland [Mr. JACKSON], and let my vote stand.

While I am on my feet I will announce, by request, that my colleague the Senator from Massachusetts [Mr. CRANE] is paired with the Senator from Maine [Mr. GARDNER]; that the Senator from Kansas [Mr. CURTIS] is paired with the Senator from Oklahoma [Mr. OWEN]; that the Senator from Delaware [Mr. RICHARDSON] is paired with the Senator from South Carolina [Mr. SMITH]; that the Senator from Michigan [Mr. SMITH] is paired with the Senator from Missouri [Mr. REED]; and that the Senator from Wyoming [Mr. WARREN] is paired with the Senator from Louisiana [Mr. FOSTER].

Mr. CHILTON. I desire to announce that my colleague [Mr. WATSON] is paired with the Senator from New Jersey [Mr. BRIGGS].

The result was announced—yeas 36, nays 27, as follows:

YEAS—36.

Bourne	Clark, Wyo.	La Follette	Perkins
Bradley	Cullom	Lippitt	Root
Brandeggee	Cummins	Lodge	Sanders
Bristow	Dillingham	McCumber	Smoot
Burnham	du Pont	McLean	Stephenson
Carson	Gallinger	Nelson	Sutherland
Chamberlain	Gamble	Oliver	Townsend
Clapp	Gronna	Page	Wetmore
	Jones	Penrose	Works

NAYS—27.

Ashurst	Heiskell	Myers	Smith, Ariz.
Bankhead	Johnson, Me.	O'Gorman	Stone
Bryan	Johnston, Ala.	Overman	Swanson
Chilton	Johnston, Tex.	Paynter	Thomas
Clarke, Ark.	Kern	Percy	Thornton
Fletcher	Martin, Va.	Shively	Tillman
Gore	Martine, N. J.	Simmons	

NOT VOTING—32.

Bacon	Dixon	Lea	Richardson
Borah	Fall	Massey	Smith, Ga.
Briggs	Foster	Newlands	Smith, Md.
Brown	Gardner	Owen	Smith, Mich.
Crane	Guggenheim	Perky	Smith, S. C.
Crawford	Hitchcock	Polindexter	Warren
Calhoun	Jackson	Pomerene	Williams
Curtis	Kenyon	Reed	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After 52 minutes spent in executive session the doors were reopened, and (at 2 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 23, 1913, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 22, 1913.

COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

Cuno H. Rudolph, of the District of Columbia, to be a Commissioner of the District of Columbia for a term of three years. (Reappointment.)

James F. Oyster, of the District of Columbia, to be a Commissioner of the District of Columbia for a term of three years, vice John A. Johnston.

UNITED STATES ATTORNEY.

William E. Lee, of Idaho, to be United States attorney, district of Idaho, vice Curg H. Lingenfelter, whose term has expired.

PROMOTIONS IN THE PUBLIC HEALTH SERVICE.

Passed Asst. Surg. John S. Boggess to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Donald H. Currie to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Gustave M. Corput to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Mervin W. Glover to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Edward Francis to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Joseph Goldberger to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Matthew K. Gwyn to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. William A. Korn to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Bolivar J. Lloyd to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. John D. Long to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. George W. McCoy to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Allan J. McLaughlin to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Dunlop Moore to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Claude C. Pierce to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Carl Ramus to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Joseph W. Schereschewsky to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Frederick E. Trotter to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Charles W. Vogel to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Benjamin S. Warren to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in

his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Clarence W. Wille to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Louis P. H. Bahrenburg to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

First Lieut. Charles C. Winnia, Fifth Cavalry, to be captain from January 16, 1913, vice Capt. Timothy M. Coughlan, First Cavalry, detailed in the Quartermaster Corps on that date.

Second Lieut. Joseph C. King, Tenth Cavalry, to be first lieutenant from January 16, 1913, vice First Lieut. Charles C. Winnia, Fifth Cavalry, promoted.

APPOINTMENTS IN THE NAVY.

Morris B. Miller, a citizen of Pennsylvania, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 14th day of January, 1913, in accordance with a provision contained in an act of Congress approved August 22, 1912.

Julian H. Maynard, a citizen of Maryland, to be an assistant paymaster in the Navy from the 18th day of January, 1913, to fill a vacancy.

PROMOTION IN THE NAVY.

Asst. Civil Engineer Norman M. Smith to be a civil engineer in the Navy from the 3d day of December, 1912, to fill a vacancy.

POSTMASTERS.

INDIANA.

Thomas W. Basinger to be postmaster at Petersburg, Ind., in place of Commodore D. Houchin, deceased.

IOWA.

William M. Boylan to be postmaster at Hubbard, Iowa, in place of William M. Boylan. Incumbent's commission expires March 1, 1913.

MAINE.

Albert Greenlaw to be postmaster at Eastport, Me., in place of Albert Greenlaw. Incumbent's commission expired January 11, 1913.

MICHIGAN.

Hugh W. Parker to be postmaster at Bancroft, Mich., in place of Hugh W. Parker. Incumbent's commission expires February 9, 1913.

Charles H. Stevens to be postmaster at Perry, Mich., in place of Charles H. Stevens. Incumbent's commission expires February 9, 1913.

MINNESOTA.

Mary J. Dillingham to be postmaster at Granite Falls, Minn., in place of Mary J. Dillingham. Incumbent's commission expires February 9, 1913.

Charles A. Lee to be postmaster at Morris, Minn., in place of Charles A. Lee. Incumbent's commission expired January 12, 1913.

Gustaf E. Lundberg to be postmaster at Murdock, Minn. Office became presidential January 1, 1913.

Peter O. Roe to be postmaster at Sacred Heart, Minn., in place of Peter O. Roe. Incumbent's commission expires February 9, 1913.

William H. Smith to be postmaster at Cambridge, Minn., in place of William H. Smith. Incumbent's commission expired January 12, 1913.

MISSISSIPPI.

David A. Adams to be postmaster at Iuka, Miss., in place of David A. Adams. Incumbent's commission expires February 11, 1913.

James N. Atkinson to be postmaster at Summit, Miss., in place of James N. Atkinson. Incumbent's commission expires January 29, 1913.

Edward F. Brennan to be postmaster at Brookhaven, Miss., in place of Edward F. Brennan. Incumbent's commission expires January 29, 1913.

Mary E. Brigham to be postmaster at Tunica, Miss., in place of William J. Brigham. Incumbent's commission expires March 1, 1913.

William W. Cain to be postmaster at West, Miss. Office became presidential January 1, 1913.

Edward M. Carr to be postmaster at Oakland, Miss. Office became presidential January 1, 1913.

David G. Dunlap to be postmaster at Sardis, Miss., in place of David G. Dunlap. Incumbent's commission expires January 26, 1913.

Fannie Hillerman to be postmaster at Kosciusko, Miss., in place of Fannie Hillerman. Incumbent's commission expires February 11, 1913.

Rosa Mayers to be postmaster at Shelby, Miss., in place of Rosa Mayers. Incumbent's commission expired January 11, 1913.

Sam E. Rees to be postmaster at Purvis, Miss., in place of Benjamin A. Weems. Incumbent's commission expired April 28, 1912.

MISSOURI.

Zach P. Caneer to be postmaster at Senath, Mo., in place of Zach P. Caneer. Incumbent's commission expires January 26, 1913.

John N. McDavitt to be postmaster at Rockville, Mo. Office became presidential October 1, 1912.

Thomas Meyer to be postmaster at Forest City, Mo. Office became presidential January 1, 1913.

Cord P. Michaelis to be postmaster at Cole Camp, Mo., in place of Cord P. Michaelis. Incumbent's commission expires January 22, 1913.

Henry J. Schofield to be postmaster at Norwood, Mo. Office became presidential January 1, 1913.

Ben B. Thurmond to be postmaster at Auxvasse, Mo. Office became presidential January 1, 1913.

James A. Williams to be postmaster at Crane, Mo. Office became presidential January 1, 1913.

NEBRASKA.

Wilfred C. Dorsey to be postmaster at Louisville, Nebr., in place of Wilfred C. Dorsey. Incumbent's commission expires January 25, 1913.

NEW YORK.

Albert H. Clark to be postmaster at Silver Springs, N. Y., in place of Albert H. Clark. Incumbent's commission expires February 9, 1913.

John F. Heim to be postmaster at Lancaster, N. Y., in place of John F. Heim. Incumbent's commission expired December 16, 1912.

David L. Jamieson to be postmaster at New York Mills, N. Y., in place of David L. Jamieson. Incumbent's commission expired January 11, 1913.

NORTH CAROLINA.

Thomas P. Newnam to be postmaster at Madison, N. C., in place of Thomas P. Newnam. Incumbent's commission expired May 26, 1912.

NORTH DAKOTA.

Ruby Bickford to be postmaster at Bowbells, N. Dak., in place of Thomas B. Hurly. Incumbent's commission expires March 1, 1913.

PENNSYLVANIA.

Abraham F. Berkey to be postmaster at Windber, Pa., in place of Abraham F. Berkey. Incumbent's commission expired January 11, 1913.

Edward M. Frye to be postmaster at Monessen, Pa., in place of Edward M. Frye. Incumbent's commission expires February 11, 1913.

James R. McCoy to be postmaster at Lewistown, Pa., in place of William F. Eckbert, jr., resigned.

John J. Riddle to be postmaster at Bala, Pa., in place of John J. Riddle. Incumbent's commission expires February 9, 1913.

Frank J. Roethline to be postmaster at Northampton, Pa., in place of Frank J. Roethline. Incumbent's commission expires February 9, 1913.

VERMONT.

Arthur F. Stone to be postmaster at St. Johnsbury, Vt., in place of Arthur F. Stone. Incumbent's commission expired January 5, 1913.

VIRGINIA.

Warner J. Kenderdine to be postmaster at Radford, Va., in place of Warner J. Kenderdine. Incumbent's commission expires March 2, 1913.

Thomas G. Peachy to be postmaster at Williamsburg, Va., in place of Thomas G. Peachy. Incumbent's commission expires February 9, 1913.

Richard B. Wilson to be postmaster at Crewe, Va., in place of Richard B. Wilson. Incumbent's commission expires March 2, 1913.

WEST VIRGINIA.

William R. Brown to be postmaster at West Union, W. Va., in place of William R. Brown. Incumbent's commission expires February 18, 1913.

Lynn Kirtland to be postmaster at Sistersville, W. Va., in place of Lynn Kirtland. Incumbent's commission expired January 12, 1913.

CONFIRMATION.

Executive nomination confirmed by the Senate January 22, 1913.

PROMOTION IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Edwin P. Brewer, to be colonel.

INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed from the International Radiotelegraphic Convention (Executive A, 62d, 3d).

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 22, 1913.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our King and our Father, from whom cometh life and all its attendant blessings, cleanse our hearts from guile; pour down upon us Thy spiritual gifts that we may control our passions and direct our thoughts in conformity to our highest conceptions of right and truth and justice, touching all the complicated problems of life, that we may quit ourselves as God-fearing men, now and always, in the spirit of the Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS OF SURVIVORS OF INDIAN WARS.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to discharge the Committee on Pensions from further consideration of the bill (H. R. 14053) to increase the pensions of surviving soldiers of Indian wars in certain cases, disagree to the Senate amendments thereto, and ask for a conference.

The SPEAKER. The gentleman from Alabama asks unanimous consent to discharge the Committee on Pensions from further consideration of the bill H. R. 14053, disagree to the Senate amendments thereto, and ask for a conference. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. Wood of New Jersey.

LOAN COMPANIES IN THE DISTRICT OF COLUMBIA.

Mr. DYER. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is it in order to call up this conference report on Calendar Wednesday except by unanimous consent?

The SPEAKER. The Chair thinks it is not.

Mr. MANN. Mr. Speaker, I hope the gentleman will not make his request at this time.

Mr. DYER. Very well, Mr. Speaker, but I give notice that I will call it up to-morrow morning.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5678. An act to ratify an agreement with the Weeminuchi (or Wiminuche), and hereafter referred to as the Wiminuche Band of Southern Ute Indians in Colorado, for the relinquishment to the United States of their rights to occupancy of the tract of land known as the Mesa Verde;

S. J. Res. 156. Joint resolution to appoint George Gray a member of the Board of Regents of the Smithsonian Institution; and S. J. Res. 157. Joint resolution to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 4, 1913.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4355) incorporating the National Institute of Arts and Letters and the bill (S. 4356) incorporating the American Academy of Arts and Letters.

The message also announced that the Senate had insisted on its amendment to the bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910, had agreed to the conference asked by the House, and had appointed Mr. PONDexter, Mr. SUTHERLAND, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 369. Joint resolution authorizing the Secretary of the Treasury to give certain old Government documents to the Old Newbury Historical Society, of Newburyport, Mass.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 19115. An act making appropriation for payment of certain claims in accordance with findings of the Court of Claims reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, asked a conference with the House of Representatives on said bill and amendments, and had appointed Mr. CRAWFORD, Mr. TOWNSEND, and Mr. BRYAN as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 5674) for the relief of Indians occupying railroad lands, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GAMBLE, Mr. CURTIS, and Mr. ASHURST as the conferees on the part of the Senate.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5678. An act to ratify an agreement with the Weeminuche (or Wiminuche) and hereafter referred to as the Wiminuche Band of Southern Ute Indians in Colorado for the relinquishment to the United States of their rights to occupancy of the tract of land known as the Mesa Verde; to the Committee on Indian Affairs.

S. J. Res. 156. Joint resolution to appoint George Gray a member of the Board of Regents of the Smithsonian Institution; to the Committee on the Library.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, before the House proceeds with the regular order of business to-day I wish to state that we have discovered a mistake in the enrollment of the Indian appropriation bill, and I ask unanimous consent to have read from the Clerk's desk an order, and to have the same adopted.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the order which the Clerk will report.

The Clerk read as follows:

Ordered, That a message be sent to the Senate notifying that body that an error has been made in the engrossment of the bill H. R. 26874, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914," approved January 9, 1913, as sent from this House to the Senate, which error consists in incorporating in said engrossed bill a section thereof on page 24, lines 7 to 15, inclusive, as follows:

"The sum of \$300,000 to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations in Oklahoma during the fiscal year ending June 30, 1914: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood."

Said section having been stricken from the original bill by this House previous to the passage of the bill; and that the Senate be requested to permit the Clerk to correct said error.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I suggest to the gentleman that where the word "section" occurs in the order just read it should read "paragraph."

Mr. STEPHENS of Texas. Mr. Speaker, I think that is correct.

The SPEAKER. Without objection, the change will be made. There was no objection.

Mr. MANN. Mr. Speaker, do I understand that the gentleman from Texas asks unanimous consent to adopt the order?

The SPEAKER. The gentleman asks unanimous consent for its present consideration.

Mr. STEPHENS of Texas. Yes; and then I shall ask that the order be adopted.

The SPEAKER. Is there objection to the present consideration of the order? [After a pause.] The Chair hears none. Is there objection to adopting the order?

Mr. MANN. Mr. Speaker, I think the statement ought to be made to the House, so that it may go into the Record, that that error is in no way whatever the fault of the engrossing clerk.

Mr. STEPHENS of Texas. That is correct, Mr. Speaker.

The SPEAKER. Is there objection to adopting the order?

Mr. MURRAY. Mr. Speaker, reserving the right to object, may I inquire how the error happened to be made?

Mr. STEPHENS of Texas. A point of order was made by the gentleman from Illinois to this paragraph. That point of order was sustained by the Chair. In some way, I do not know how, notwithstanding that, the paragraph crept into the bill, and we find it now in the bill as it went to the Senate. We desire to correct that error.

The SPEAKER. Is there objection to making this order? [After a pause.] The Chair hears none, and it is so ordered. The unfinished business is the Lincoln Memorial report.

Mr. SLAYDEN. Mr. Speaker, I think the Chair is mistaken in that.

The SPEAKER. The Chair is mistaken about that; it is the bill (H. R. 18505) to incorporate the American Academy of Arts and Letters.

Mr. SLAYDEN. Mr. Speaker, I have been directed by the Committee on the Library to ask the withdrawal from present consideration of the bill H. R. 18505.

The SPEAKER. The gentleman from Texas asks unanimous consent—

Mr. SLAYDEN. No, Mr. Speaker.

The SPEAKER. Well, what does the gentleman ask, then?

Mr. SLAYDEN. I am directed to withdraw it, and I will, with the permission of the Chair, read from Hinds' Precedents as to the authority for doing so.

The SPEAKER. There is no question about the gentleman having the right to withdraw it.

Mr. SLAYDEN. I thought there was a question. No; I made no request for unanimous consent, Mr. Speaker.

The SPEAKER. The gentleman withdraws the bill, and the call is on the Committee on Arid Lands, and the unfinished business is—

Mr. TAYLOR of Colorado. Mr. Speaker—

Mr. CANNON. Mr. Speaker, that is by unanimous consent this bill was to be considered now. The call is not on the Committee on Arid Lands, as I understand it. That is the unfinished business by unanimous consent to come up after other unfinished business was disposed of which precedes it.

The SPEAKER. The situation as the Chair remembers it is this: After the House had begun the consideration of that bill the gentleman from Colorado [Mr. RUCKER] arose and asked that that committee be passed over without prejudice.

Mr. MANN. That the bill under consideration be passed over for one week.

The SPEAKER. That the bill under consideration be passed until this Wednesday in the absence of the other gentleman from Colorado [Mr. TAYLOR], who had been detained by illness. Then the following parliamentary dialogue took place:

Mr. RUCKER of Colorado. My request is, if the gentleman from Illinois will permit, that this bill go over without prejudice and be called up on next Wednesday, just as it is called up to-day, as unfinished business.

The SPEAKER. The Chair would hold that if the request is granted, if the House starts on another bill to-day and it is not finished, that the latter bill would have the right of way.

Mr. MARTIN of South Dakota. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of South Dakota. In the instance the Chair now states, is it correct that, on the disposition of that business, although it might take all of to-day and take both matters over to the following Wednesday, this matter would lose its place?

The SPEAKER. Of course, it is purely arbitrary. But in the judgment of the Chair this bill would follow whatever was unfinished.

That is, it would give the Committee on the Library the right to go on and finish that bill and then when that was finished this irrigation bill would come up.

Is there objection to the request of the gentleman from Colorado [Mr. RUCKER]? [After a pause.] The Chair hears none. The Clerk will call the committees.

Evidently under that arrangement the gentleman from Colorado has the right of way with that bill. The bill is on the Union Calendar, and the House will automatically resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from Illinois [Mr. FOSTER] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 23669, with Mr. FOSTER in the chair.

RECLAMATION TOWN-SITE FUNDS.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 23669) providing for the disposition of town sites in connection with reclamation projects, and for other purposes.

Mr. TAYLOR of Colorado. Mr. Chairman, this bill has reference to the establishment of town sites upon the various Government reclamation projects throughout the Western States. There are some 32 reclamation projects at the present time, and there are something like 30 town sites reserved and designated by the Government of the United States as towns for municipalities upon those various reclamation projects. This bill provides for the aiding in the construction and building up of those various towns. It has been a matter that has been thrashed out by the Department of the Interior, through the Reclamation Service, and by the citizens of the Western States for several years.

This measure is not in all respects, probably, an ideal measure, but, nevertheless, it is as near perfect as the Committee on Irrigation, the Department of the Interior, and the people affected could agree upon. Some gentlemen, members of the committee, have objections to it both as to its principle and as to its form, as I understand, but I may say that the majority of the committee, after considering the matter very exhaustively, have determined that this is the best that they can agree upon at the present time, and that if the Congress sees fit to enact this measure it will very greatly accelerate the building up of these municipalities and making them a credit to the reclamation project as well as a benefit to the inhabitants and to the surrounding country. I realize that the matter has been exhaustively considered in the debate on the 8th, in which I did not participate, not having been present, and possibly many of you are thoroughly familiar with it. I am not going into an exhaustive discussion of the measure at this time, but will reserve the balance of my time, and probably take up some further consideration of it later on, or yield to other members of the committee and others who desire to discuss it.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman from Colorado [Mr. TAYLOR] a question. On page 3, commencing with line 17, I would like to have the gentleman's opinion of that provision, which is as follows:

That in no case shall the operation and maintenance of such building and works by or under the authority of the Secretary of the Interior be continued for a longer period than two years after the organization of a municipal corporation or school district as aforesaid.

Does not the gentleman think that it would be wise to place the provision in the bill as to when the municipal organization should be made? As the bill now stands the matter might be continued for an indefinite period, and during this indefinite period the Government would be conducting the municipality of that town, or school, or whatever the organization might be. Would not that be an inducement to defer organization and leave the responsibility with the National Government to conduct it? Under this provision it has ample power to do so, and it would therefore be a very strong inducement to the people of that locality or municipality not to perfect an organization, so they can take upon themselves the responsibility of government, or shift it from the National Government to the locality. And in that respect, is not this a very dangerous measure and is it not entering upon an untried and a very dangerous and questionable policy?

Mr. TAYLOR of Colorado. Mr. Chairman, in the first place, the Government of the United States would only be expending one-half of the money that these people themselves have paid into the fund for this purpose, and it seems to me inconceivable that the inhabitants of a town would want to remain unorganized indefinitely merely for the sake of having the Government of the United States expend one-half of the proceeds of the sales of lots.

In reality I apprehend that one-half might be exhausted, and unless there was a continuation of the sales of lots it would seem to me that it would be impracticable. I do not see how that could follow. It is one of the traits of the American people to want to govern themselves, and I have never heard of a municipality or an organization of people that wanted indefinitely to be governed by Federal agents, but, sooner or later, they want to organize and elect their own mayor and boards of trustees, and their own organization, have their own municipal government, and the only reason that these buildings and works and everything should be turned over at once upon the organization was because the Government might be in process of constructing a system of sewers, or of electric light plants, or something of that kind, and it would be impracticable to just stop the work in the middle of the construction and turn it over. I want to say generally, Mr. Chairman—

Mr. CULLOP. That is exactly the vice of the bill.

Mr. TAYLOR of Colorado. I want to say that this measure, while I do not consider it personally, is nevertheless deemed by those who have had practical observation and experience on the ground to be the nearest workable of anything that they can devise. I may say that this measure has been prepared in this form by people who have had personal observation of these

projects and by the Secretary of the Interior and the Reclamation Service, and it would seem to me that their judgment and their experience and their knowledge ought to be considered of some weight in the Congress of the United States.

Mr. CULLOP. Yes; but the taxpayers of such a locality might find that it would be very much to their financial benefit if the National Government would operate their town, government, or school district government instead of themselves, and I want to call the gentleman's attention now to section 3 upon that subject, which is as follows:

That all income received from the operation of any such buildings or works, while they are under control of the Secretary of the Interior, shall be paid into and become a part of the reclamation town-site fund.

Now, by that provision the Secretary of the Interior is given the right to operate the municipal government two or three thousand miles away; and might not such an arrangement be made by citizens of these towns as that they would find it to their financial benefit, in the management of their municipal affairs, to have the Secretary of the Interior, two or three thousand miles away, manage and control their domestic municipal affairs? That seems to me to be clearly a vice in this measure, and one that might lead to very great abuses. In other words, it is the Government entering on a policy of building towns away off from the seat of government, away off from the management. It is to be done at a long distance, and anyone, I think, will concede that that is a very inconvenient process of building up cities and towns. It is proposed thus to operate waterworks, schools, sewerage, and other things necessary to the building up of a modern city.

Now, it may leave it in the hands of men so far distant from the seat of government as that they would lend themselves to imposing these abuses upon the people of such localities. It seems to me that the measure as it now stands, if passed, would become the subject of very great abuses, and burdens could be imposed, and this character of government could be continued for an indefinite period upon the people who are entitled to local self-government. It is long-range government, and it is a dangerous policy.

Mr. MONDELL. Mr. Chairman, will the gentleman from Colorado [Mr. TAYLOR] yield to me?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Wyoming?

Mr. TAYLOR of Colorado. Yes; I yield to the gentleman from Wyoming.

Mr. MONDELL. I am inclined to think that the gentleman from Indiana [Mr. CULLOP], not being entirely familiar with the situation—and of course it is impossible that he should be familiar with it—does not clearly understand what is proposed. The Government now takes absolutely raw land which otherwise would be homesteaded, land for which the Government would get nothing—the homesteader would acquire it—and makes a town site of that land; and, as matters now stand, the sums received from the sale of the town lots go as a credit to the reclamation project, and whatever sum is received decreases by that amount the charge against the farmers on the project. No part of these funds remains in the Treasury of the United States now.

Now, this has developed, that the distribution of that fund among the people on a great project is no great relief to them, and the people living in the town are left, under past policy, without source of income with which to improve the town, for the Government sells only a few lots at a time, leaving the major portion of the town site untaxed and untaxable. You have, then, this situation: One hundred and sixty or three hundred and twenty acres in a town site not taxable. Perhaps 10 acres of that tract are sold and taxable. Consequently the sources of income for the improvement of the town is very limited. The town is raw prairie land. Streets are needed; sidewalks, curbing, bridges, and schoolhouses are needed—all of the things necessary to start a town site on the road to growth and development.

Now, as to the receipts heretofore accrued: They run from \$5,000 to \$20,000 in the different town sites. The Secretary of the Interior is to make the improvements. As to the receipts that will hereafter accrue if the community is organized into a municipality—and all these communities are—when the sales take place half of the proceeds would be placed in the hands of the municipality, to be expended by it for municipal improvements.

The fact is that the half of the receipts of the sale of town lots that the people of the town receive for the improvement of the town will not, in the majority of cases, exceed what the community would receive in the way of taxes if these were ordinary privately owned town sites, because in that case the entire town site would be subject to taxation. The people would do as people ordinarily do in cases of that kind—assess

the unsold lots at a pretty high rate and secure from the unsold lots as well as from those that are sold sufficient sums to care for the community—to provide schools, a town hall, and graded streets, and to make those other improvements that are imperatively necessary.

Now it has been suggested that this is taking money out of the Treasury. That is not so at all. These funds go into the fund for the benefit of the project as it is, and this in no way changes the policy as to the sale of the lots. It leaves the whole matter with the Secretary of the Interior. The only change made is to give the town community itself half of the sums received from the sale of the lots. It is an ideal arrangement. It is the arrangement that we would all say was ideal, if it could be generally practiced in town sites.

Mr. TALCOTT of New York. Will the gentleman yield for a moment?

Mr. MONDELL. Yes.

Mr. TALCOTT of New York. Is there any provision in the law for the return to the reclamation fund of any part of the cost of these improvements?

Mr. MONDELL. No. The gentleman understands that a reclamation project is built out of the general reclamation fund.

Mr. TALCOTT of New York. Yes; but the entryman under the reclamation project buys under an appraisal which takes into consideration the expenses of the reclamation project.

Mr. MONDELL. Yes. In other words, the entryman on a reclamation project pays nothing for the land. The Government receives nothing whatever for the land.

Mr. TALCOTT of New York. But he pays all the charges before he gets a patent.

Mr. MONDELL. If the gentleman will allow me a moment, I will show him that the same thing follows in this case. The entryman pays nothing for the land. The Government receives nothing for any of the land in any reclamation project in any case. The entryman simply pays for the cost of reclamation. So does the town site, because one of the charges assessed against the town site in the sale of the land is the water-right charge for the tract, so that the tract pays the water-right charge per acre, just as if a farmer had taken it, and the net proceeds of the sale of lots are the proceeds over and above the charges against the land, which are the same in this case as they are in the case of a farm. So that, so far as the Government is concerned, it receives just as much from these town-site tracts and no more than it receives for the other land, to wit, the cost of reclamation.

Mr. CULLOP. Will the gentleman permit a question there?

Mr. MONDELL. Yes.

Mr. CULLOP. I understood the gentleman to say that no money was received by the Government from the sale of these lots. Is that correct?

Mr. MONDELL. Oh, no; I did not say that. The inquiry was if, instead of these lands being embraced within a town site, they had been homesteaded like the lands around them, would the Government receive anything for the lands? Not at all; not a cent. The Government gives the land free to the homesteader. The homesteader pays simply the cost of reclamation, and following that theory the Government has never expected to receive anything from these town sites except the cost of the reclamation of the town sites—the same amount per acre that is paid for the land all around the town site—because the water furnished is the same and the cost is the same.

Mr. CULLOP. Does not the Government put up these lots and sell them?

Mr. MONDELL. When the Government builds a reclamation project it makes an estimate of what the project will cost. It makes no estimate of the land at all, but an estimate of what the project will cost. If a project costs \$1,000,000, the price per acre that the settler pays is a sum which, divided among all the acres, will bring in that \$1,000,000.

Mr. CULLOP. The very first section of this bill provides:

That one-half the net proceeds heretofore or hereafter received from the sale of town lots in reclamation town sites are hereby reserved, set aside, and appropriated as a special fund in the Treasury, to be known as the reclamation town-site fund, to be used in the construction, maintenance, and operation of schoolhouses, water, light, and sewer systems, and other school and municipal improvements in the towns where lots have been or shall be sold as aforesaid in proportion to the amounts received from each of the said towns, respectively.

Now, does not the Government sell these lots?

Mr. MONDELL. Yes.

Mr. CULLOP. It derives money from the sale of them, does it not?

Mr. MONDELL. It derives no money from the sale of them that goes into the Treasury.

Mr. CULLOP. Then, why is this language in this bill, that one-half of the amount received from the sale of these lots shall be set aside in the Treasury for these improvements?

Mr. MONDELL. Under the present law, as I tried to explain a moment ago, the proceeds from the sale of these lots go into the reclamation fund as a credit to the project. For illustration, the Shoshone project in my State contains 100,000 acres, in round numbers, and there is one town site on it.

If that town site should ultimately bring \$100,000, the settlers would pay the cost of that great project—over 30 miles in length—less \$100,000. In other words, the theory of the law is that the Government is not to make money on these town sites, but the people whose settlements and improvements make the town shall have the benefit of it, and all we do by this statute is to divide the fund between the people of the project generally, many of whom live so far away from the given town that they do not contribute anything to its growth and development, and the people of the town. In doing that, of course, it is necessary to provide as a matter of bookkeeping for a fund. That is simply a designation.

Mr. SMITH of Texas. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. SMITH of Texas. The gentleman talks about the right of the people who buy the town site to have half of the money they paid contributed back to them. I will ask the gentleman if when the people buy the lots they do not get the worth of their money in the value of the lots? Does it not come down to the proposition of the Government investing the money back for speculative purposes on the enhanced value of the lots?

Mr. MONDELL. Not at all. In the first place, the Government never has a penny of investment in the town. It never has any money in it. Gentlemen will remember that such towns are largely a school center for the entire surrounding country; that the people in the surrounding country can not be taxed for at least seven or eight years while these lands are held as homesteads, and the responsibility devolves largely upon the town to furnish school facilities for the people around and about.

Referring again to the little town of Powell, they have a central school organization and send wagons out and bring the scholars in from the surrounding country. Surely it is not fair to ask a community to do all that and not give them any of the increment of the values they themselves have largely created.

The sums are not great; they are small; they are coming in slowly, and together with the taxes raised in the ordinary way, they will enable the town to provide the things necessary for its growth and development.

It has been suggested that the Government ought to adopt a different policy in regard to town sites, in this, that instead of selling a few lots in the town, the Government ought in the first instance to advertise for sale and sell to the highest bidder, for whatever price they could get, all of the town sites. Whether that would be wise or not, that situation is not affected by this bill in any way, because we do not in any way seek to modify the law giving to the Secretary of the Interior full control of the sale of lots. Personally I do not think that would be wise, because it would result that when all of a town site is all open for sale the entire tract would bring but a song, and the result would be a town of considerable area with no fixed center about which to begin development, and in that case the increase of values would go to speculators and the people of the town would secure no benefits.

I think the plan now followed by the Secretary, which plan is in nowise affected one way or the other by this bill, is a wise one, to wit, to select a proper place on town site for the building up of a business center and surrounding it with a residence section, selling only such area of lots for which there is a real demand, and by reason of this sale of restricted area securing very good prices. In the town of Newell they sold small lots, 50 by 150 feet, I think, for something like \$2,000. Those lots brought those prices because they were Government town sites, with a restricted area for sale, and selling the restricted area, it held the town compactly, and then, as there is real demand, additional lots are offered as they are needed and as they will bring fair prices. I am sure the gentleman from Indiana [Mr. CULLOP] will not disagree with me in the proposition that if we can secure a condition whereby the people who create values shall themselves have the benefit of those values, we should do it, and not give the values made by the people of the community to some speculators who may buy lots to hold them for future sales.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I am speaking in the time of the gentleman from Colorado [Mr. TAYLOR].

Mr. CALLAWAY. It has been suggested by the gentleman that the Secretary of the Interior should select the proper place for the center of the town, and then put 2 per cent of the lots on the market, although he is located here in Washington some thousand of miles away from the town.

Mr. MONDELL. The gentleman knows that on these reclamation projects—

Mr. CALLAWAY. It occurs to me—

Mr. MONDELL. Oh, I wish the gentleman would permit me to finish.

Mr. CALLAWAY. I understand what these reclamation projects are.

Mr. MONDELL. They have a great enterprise. They have upon them, first, a project engineer, who is an educated man, a man of standing, a man who can command and does command a high salary, and would command a very much larger one if he were in private practice. Then there is the project manager, also a man of standing and reputation, and the other employees, and they are all on these projects. They are men of standing and reputation and judgment. Some one must decide the matter, and I am rather inclined to think that with the knowledge of where the canals are to be built, where the roads are to be built, where the centers of population are to be, they are as good judges as we can get of where the center of the town ought to be, provided, of course, that the Government is to do the job at all.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. RAKER. Is not one of the complaints by gentlemen appearing before the committee on this bill that the town site of Newell is laid out so poorly as to location and elevation that all of the surrounding towns, even 5 miles away, are prospering because the land is in private ownership, and the town of Newell, because of its location, can not prosper? That is the testimony of gentlemen appearing before the Committee on Irrigation.

Mr. MONDELL. Very true; and why? Because Congress has refused to be as enlightened as the private owners of town sites are on the one hand, and on the other hand Congress has refused to give the people themselves the opportunities they have to tax the private owners of the private town sites. The gentleman, coming as he does from a new and growing country, and living many years in that growing country, as I have, knows that ordinarily the taxes that the owners of speculative town sites have to pay are a plenty. I do not say that they have always been as wise as Solomon in deciding how many lots should be sold at a time, and in the case of the town site in my own State, the people have thought they were not selling rapidly enough; but the general policy is a sound one, and that is to open only such area as is needed, by so doing securing quite a considerable sum from the sale, providing that when we secure those sums we give them to the people who really make those values—the settlers and the men in the towns.

Mr. RAKER. Will the gentleman yield there?

Mr. MONDELL. If the gentleman from Colorado [Mr. TAYLOR], the best-natured man in the world, will give me the time.

Mr. RAKER. Is it not a fact that under the condition now existing and always will exist under a new project that the farmer the gentleman speaks of, who is building up that country, will not buy a town lot, because he can not live in the town if he wants to do so? He must remain and reside upon his farm and improve that farm, so therefore the town lots revert and go to those who are dealing in speculation, to those who are running stores and hotels. That is just to show that the farmer does not assist in building up the town lots, as far as he is concerned.

Mr. MONDELL. Of course what the gentleman says is partly true; but I do not see what application it has to the case in hand.

Mr. RAKER. Simply to show that the gentleman said the settler was the man who is getting the benefits from these town lots and—

Mr. MONDELL. Well, if there is anything in the gentleman's statement at all that contains an argument, it is an argument in favor of this bill. His suggestion that the farmer does not buy town lots, and therefore the farmer is not helping to build up the town—following logically to a conclusion the gentleman's premises, the farmer should not have all the benefit which he now has, but we should divide the benefit between the man who purchases the lot and lives in the town and builds the schoolhouses and builds the city halls and improves the streets—divide that with the farmer. I think it is a well-nigh ideal arrangement.

Mr. LEWIS. Will the gentleman yield for a question?

Mr. MONDELL. I will.

Mr. LEWIS. In the minority report it is stated that the proceeds from the sale of these lots under the present law go for the purpose of irrigation. Is that correct?

Mr. MONDELL. Well, in a way that is correct; but the minority might have been—I will not say more frank, but a little more lucid.

Mr. FRENCH. Each project is a unit.

Mr. RAKER. Not at all.

Mr. MONDELL. If the gentlemen will permit, the reclamation town-site law recognizes the town site as an asset to the project. I will refer again, if I may, to the project in my State, which is over 35 miles in length. There were several towns in the vicinity of the project, but in the center of it one reclamation town site was considered necessary. Now, the law provides that money received from the sale of town lots shall go into the reclamation fund. To use an illustration I have used often, if an entire project costs a million dollars to the settlers who had to pay for it, as they do, and the town site brought \$100,000 out of the land, then the amount they must ultimately pay would be \$900,000. The Government does not receive the return; the return goes to the farmer, as it ought to do. Now, we are simply proposing to make it a credit to the farmer and the town people, and the increased value will help both.

Mr. LEWIS. Will the gentleman yield further?

Mr. MONDELL. I will be glad to do so if the gentleman from Colorado will yield more time.

Mr. TAYLOR of Colorado. I will say I have promised a number of gentlemen time, and we will take this up under the five-minute rule.

Mr. LEWIS. I want to ask the gentleman if he can tell us any better purpose to which the Government might apply the money from the proceeds of these lots than to irrigation and improve the farming in this country?

Mr. MONDELL. I can not think of any better purpose than the purpose contemplated by the original law as amended by this bill.

Mr. LEWIS. But the gentleman desires to divert it to schoolhouses and sewers and light plants and other projects.

Mr. MONDELL. I am sure the gentleman from Maryland, the fairest of men, would not say that the Government should take a piece of valueless land, which it is willing to give to the homesteader for nothing, and make a town site of it and sell a few lots at a time, secure a large amount of money for it, and have that go into the Treasury. Congress never contemplated that and never ought to.

Mr. RAKER. Will the gentleman yield right there?

Mr. MONDELL. In just a moment. It followed that policy, and it gave the returns to the farmers as a credit overlooking—and if I had the time I would explain that that was not an oversight; that the original town-site bill contained just such a provision as this, except there were a lot of other matters in connection with it—overlooking the fact that these towns were raw and unimproved; that there is no taxable property within them except the personal property of the people and a small number of lots sold that can be assessed.

The balance the Government retains untaxable, and therefore there is no source of income for the development of the town. If the town belonged to a private individual, that private individual could be taxed during the running of the years until he sold his lots; and those taxes, you may depend upon it, would be high, and through that source an income would be received. We propose the better plan of giving to the people the benefit of those values which they create.

Mr. CANDLER. Why is not the real estate subject to taxation?

Mr. MONDELL. It is Government land, and no Government land is subject to taxation.

Mr. CANDLER. Is there no private ownership?

Mr. MONDELL. The Government only sells a small part of the town site at a time, leaving the balance during the years the town is developing entirely free from taxation.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. WILSON of Pennsylvania having taken the chair as Speaker pro tempore, sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

RECLAMATION TOWN-SITE FUNDS.

The committee resumed its session.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Chairman, we have been discussing this bill for about three days, and it seems to me we have devoted a great deal of time to a very minor matter. According to the figures furnished by the Reclamation Service, there has been received up to December 31, 1911, a total of \$219,793 from the sale of town lots in 10 different reclamation town sites. This bill proposes to set aside one-half of the money received from the sale of these lots and one-half of the money received at all future sales into a town-site fund for improvements in the various reclamation town sites. If this bill passes, about \$110,000 will be divided among 10 towns giving, on the average, about \$11,000 to each town for such improvements as street grading, waterworks, or schoolhouses.

There was contained in the reclamation fund, according to the tenth annual report of the director, on June 30, 1910, \$65,525,446, and he made an estimate that there would be \$71,590,572 in the fund on December 31, 1912. So that compared with the total amount of the reclamation fund this town-site money is a very small matter. Now, if the reclamation fund increases in the next 10 years as it has in the last 10, there will probably be twice the present amount, or \$140,000,000, on hand, and if new town sites are created in the same ratio there will be about \$250,000 in the town-site fund.

Mr. RAKER. Will the gentleman yield right there?

Mr. HAYDEN. Certainly.

Mr. RAKER. Does the gentleman claim that there is \$60,000,000 available now in the reclamation fund?

Mr. HAYDEN. The receipts from the sale of public lands, which create the reclamation fund, amounted to \$65,525,446.88 on the 30th day of June, 1910.

Mr. RAKER. How much has been expended of that amount? Has not there been in the neighborhood of \$55,000,000 expended?

Mr. HAYDEN. About \$60,000,000.

Mr. RAKER. And it leaves only a few millions in that fund now?

Mr. HAYDEN. I understand, but I am considering the whole fund.

Mr. RAKER. If they are handling so much money, why do they want to take a part of it and build up a beautiful town on paper, instead of letting the people build up their own town, as they ought to?

Mr. HAYDEN. The argument has been made in the course of this debate that this bill will establish a new system and a bad precedent if we provide funds for the improvement of town sites. I want to read from a bill that passed this House less than two weeks ago, namely, "An act to provide for the opening of the Standing Rock Indian Reservation in North and South Dakota." I shall read from this act, and I shall say, further, that every act passed by this House in the last five or six years providing for the opening of an Indian reservation contains practically the same language:

The Secretary of the Interior is authorized to reserve from said lands such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause same to be surveyed into lots and blocks and disposed of under such regulations as he may prescribe, and he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than 10 acres in any one town site, and patents shall be issued to the lands so set apart and reserved for school, park, and other public purposes to the municipality legally charged with the care and custody of lands donated for such purposes. The purchase price of all town lots sold in town sites, as hereinafter provided, shall be paid at such time and in such installments as the Secretary of the Interior may direct.

Listen to this language:

He shall cause not more than 20 per cent of the net proceeds arising from such sales to be set apart and expended under his direction in the construction of schoolhouses and other public buildings, or in improvements within the town sites wherein such lots are located.

This bill was passed not more than two weeks ago. Almost the same language is contained in the act opening the Yakima Indian Reservation in the State of Washington, which passed on May 6, 1910. Another act opening the Pine Ridge Reservation in South Dakota, passed on May 27, 1910, contains the same language. The bill opening the Rosebud Indian Reservation in South Dakota, and the acts providing for the settlement of the Fort Berthold and the Cheyenne Reservations all contain the same provisions. I could cite you half a dozen other instances showing that it is not a new thing to set aside a part of the proceeds derived from the sale of lots in town sites for public purposes.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. HAYDEN. I should like to have three minutes more.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield to the gentleman three minutes more.

The CHAIRMAN. The gentleman from Arizona is recognized for three minutes more.

Mr. HAYDEN. The Reclamation Service is under the control of the Secretary of the Interior just as is the Indian service. There has been no complaint about the improvements made under the direction of the Secretary of the Interior in town sites when the Indian reservations are opened, and there will be no cause for complaint if this bill passes. The theory is that the money spent for improvements will cause a higher price to be paid for the lots when sold at auction, so that this advance of 20 per cent results in a net profit to the Indians. In the case of the reclamation town sites you would not be authorizing anything but what the department had been accustomed to do in connection with the Indian service.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Arizona yield to the gentleman from Texas?

Mr. HAYDEN. Certainly.

Mr. CALLAWAY. Is it not a fact that it is not the buildings that make these lands valuable, but the farming country that is developed in the neighborhood, that gives the town trade, which makes the land valuable? Here you propose to take value from the people who imparted the value to the town lots—the farmers and the people under the reclamation project as a whole, people who are creating something instead of being merely traders; you are taking value away from them and from the fund that belongs to them and putting it into a municipality to beautify the town for the benefit of the people who have settled there, not for the purpose of helping the project, but for the purpose of filling their own pockets.

Mr. HAYDEN. Let me answer the gentleman by asking him a question. Would he not pay more for a lot in a town site where the streets were graded and a domestic water supply had been provided or an electric light plant installed and schoolhouses built? Would he not pay more for a lot in that town than in a town where none of these improvements existed?

Mr. CALLAWAY. I would pay for the lot in the town in proportion as trade came to the town, and in proportion as I could use it for the purposes for which I was moving to the town; and then when I got in there I would pay my pro rata share for building the streets that I wanted to walk on or for building the town hall that I wanted to sit in unless, as the merchants do, I could get somebody else to pay it. If I could saddle it on the farmers, I would be doing as the merchants do; I would make the surrounding farmers build my schoolhouses and lodge houses and town halls. That is what you are trying to do in this bill—trying to saddle the burden of the town on the community outside.

Mr. HAYDEN. If I believed that the passage of this act would place any burden on the farmers of the community, I would not support it.

Mr. CALLAWAY. It takes one-half of the value of these lands from the people on the project, does it not?

Mr. HAYDEN. It adds to the value of the lots that are improved and yet remain to be sold.

Mr. CALLAWAY. The lots are of no value to the people out in the country. The thing that should be attended to is the payment of the debt that is saddled upon them for this project.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

Mr. HAYDEN. May I have one more minute?

Mr. TAYLOR of Colorado. Mr. Chairman, I yield to the gentleman one more minute.

The CHAIRMAN. The gentleman from Arizona is recognized for one minute more.

Mr. HAYDEN. If I believed that this bill would saddle one cent's worth of burden on the farmers of the community, I would not vote for its passage. But I do believe that a greater sum will be derived from the sale of the balance of the lots than will be diverted from the reclamation fund. Much more money can be obtained for lots that are improved than for lots that are not improved, and this ultimate increase in the price of the lots will redound to the benefit of the farmer.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Texas?

Mr. HAYDEN. Certainly.

Mr. SMITH of Texas. Would not that depend on the condition existing at any particular place? You would not lay that down as a general rule? The gentleman will not contend that you can build up a town in that way under any sort of conditions?

Mr. HAYDEN. Oh, that is true. Even speculators have lost money on town lots.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield two minutes to the gentleman from Idaho [Mr. FRENCH].

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] is recognized for two minutes.

Mr. FRENCH. Mr. Chairman, we are quite removed from the question that was asked by the gentleman from Indiana [Mr. CULLOP], which I wanted to answer, with respect to the possibility of the Secretary of the Interior continuing the management of schools and other municipal institutions for a longer period than would be altogether desirable, providing that the present bill shall be passed. I will say, however, in reply to the gentleman's objection, that the natural pride of the communities in interest is so great that it is impossible to conceive of a condition of that kind obtaining. My judgment is that all of those communities would make haste to perfect their municipal organizations of various kinds. If not, I would suggest that a very simple amendment would cure that provision of the bill. It can be worked out in language something like this: After the word "aforesaid," in section 2, line 21, where it provides for the responsibility of the Federal Government in maintaining the improvements for a period of time, insert this language: "Nor in any event for a longer period than three years." That language will further tend to make each community organize itself into a municipal corporation for town purposes, or into a school district for the handling of school matters.

Mr. TAYLOR of Colorado. Mr. Chairman, I reserve the balance of my time.

Mr. CULLOP. Mr. Chairman, the proposition advanced by the gentleman from Idaho [Mr. FRENCH] is a timely one and is applicable here. It also concedes the vice which we have contended is contained in this bill.

If the bill is left to stand in its present form it will enable scheming individuals in the development of these town sites to exploit the people. It will do more. It will be an inducement to prevent the organization of municipal governments for these town sites after they have been established, and will leave it under the control of the Government to multiply officeholders and to furnish berths for office-seeking individuals.

Mr. FRENCH. Does the gentleman think the amendment I have proposed will meet that situation?

Mr. CULLOP. I think it will tend to meet it, and I think that such an amendment is absolutely necessary. I would gladly vote for such an amendment.

Mr. TAYLOR of Colorado. Will the gentleman yield a moment?

Mr. CULLOP. Yes.

Mr. TAYLOR of Colorado. So far as I am advised, representing the committee I will say that we have not the slightest objection to that amendment. We do not feel that the objection made by the gentleman from Indiana is well founded, but nevertheless we are willing to put in a clause obviating what he fears. We do not think it would ever occur, but we have no objection to the amendment.

Mr. SMITH of Texas. Will the gentleman yield?

Mr. CULLOP. With pleasure.

Mr. SMITH of Texas. Suppose such an amendment as is suggested by the gentleman from Idaho should be adopted. Suppose these municipal improvements of various kinds should be made on one of these town sites before any municipal corporation is organized and the Government should undertake to operate them. Suppose the town did not develop to the degree anticipated and that the revenues derived from the operation of these various works is not sufficient to pay the cost of maintenance and operation. I believe the gentleman will agree with me that in that case the people on the town site would have no disposition to assume the burden of operating these municipal improvements which are not self-sustaining, and so would have no inducement to organize a municipal corporation.

Mr. CULLOP. That is exactly the point I am making.

Mr. SMITH of Texas. And, furthermore, if the Government should be required to give up the operation of these works at a definite date, I think a case can be imagined where the people would not organize into a municipality, and if the Government was prevented from operating these improvements beyond a certain date, there would be nobody to operate them, and they would simply fall into disuse.

Mr. CULLOP. I think the suggestion of the gentleman from Texas is a good one. I wanted to call attention at the time I was interrupted to a matter bearing directly upon that point. As this bill now reads, it would be an inducement to prolong the completion of the public works herein provided for. Not only that, but it would have a tendency to induce the people managing these affairs for the Federal Government to let them

out gradually—a sewerage system, after the light plant was completed; a schoolhouse, after the lighting plant and the sewerage system; and so on, for an indefinite period. All that time the municipal government, of whatever character it might be, would be under the management of the Secretary of the Interior at long range, three or four thousand miles away, and subject to the worst kind of abuses. It strikes me that the effect of this bill will be to hand over to individuals a ready-made town. The people there would not build it up, but if the provisions of this bill should be adopted the National Government would build a town for the inhabitants. Now, the reclamation fund was never provided for any such purpose. It was provided for the sole purpose of reclaiming the land for agricultural purposes and increase the productivity of the soil, aiding the farmers of our country, encouraging the people to engage in that important industry, and we should not divert that purpose.

Mr. RAKER. Will the gentleman yield there for a question?

Mr. CULLOP. With pleasure.

Mr. RAKER. In order to get the gentleman's idea of the policy, I want to make a statement and then ask a question. It was shown from the gentlemen appearing before the Committee on Irrigation of Arid Lands that close to the town of Newell is the town of Nisland, a privately owned town, and another town a short distance away by the name of Fruitdale. Newell has over 500 inhabitants, and they claim it is doing nothing. It is a Government town. Nisland and Fruitdale have less than 300 inhabitants, and it is shown that these people have assessable property amounting to \$500,000; they have a system of waterworks, good electric lights, and all the facilities, because the people can tax the land. Now, if the Government in the town that they have worked for has made a failure, is it right to put into their hands a further control to handle all the money, when it is shown that there are privately owned towns nearby which are prosperous? Here is a Government town to-day that has made a failure, and is it not going to continue to make a failure if you start out with the idea of the Government building up the municipality?

Mr. CULLOP. It is forcing the building of a town, and that you can not do. Towns must be built up to meet conditions, and you can not force them unless they have those conditions. That has been the history of all boom towns. You can not force the upbuilding of any town which has not the conditions surrounding it to support a town of the size which it is attempted to force on the public. To make the modern improvements alone will not bring population; it is an inducement, that is true.

Mr. BUCHANAN. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. BUCHANAN. The gentleman does not think that a public official would undertake to build a town where it was not desired by the people in that locality, does he? I would like to ask if the gentleman does not think that people would be safer in the hands of a Government official who was located at long distance in looking after the best interests of the people than they would be in the hands of real-estate speculators and contractors at a short distance? I believe I would select the Government official at a long distance.

Mr. CULLOP. I would not want to select either. I would want to select the sound judgment of the people in the town who are interested in its welfare and leave the responsibility with them. I would not want the National Government to attempt to build a town for somebody out in a far western State, put upon them improvements that when they come into possession of their property the taxes required to support them would exhaust the value of the property in a very short time.

Now, an inducement of this kind of legislation would be to the contractor to work around and manipulate affairs so as to get contracts and put in an expensive sewer system, an expensive lighting system, an expensive water plant, and expensive school buildings far beyond the requirements of the public in these localities, and would burden it with such expense of maintenance that the people would never feel like organizing and taking it out of the hands of the Government. It would do more to retard the upbuilding of the country than it would to promote it, in my judgment.

Now, such things are not only possible, but they are highly probable; they have occurred and they may occur again. So that the bill as it now stands is open to aggravated abuses, and these abuses are possible and probable both when we come to look at the situation as it really exists.

Now, this is the reclamation fund—and a fund created solely for that purpose—and if diverted from that use to the purpose of building up towns in localities perhaps long before the people

are ready for them is a diversion of its purpose. That is my objection to the bill. The amendment proposed by the gentleman from Idaho, if the bill is to pass, would be a very timely one; but I do not think this bill as it now stands ought to pass. I believe it would prove more injurious than beneficial.

Mr. RAKER. Will the gentleman yield?

Mr. CULLOP. I will.

Mr. RAKER. I watched carefully the proposed amendment of the gentleman from Idaho, and is it not a fact that it makes a limit of three years, and the Government would just get started and about half through its work when you cut off the entire completion of it, and the very limitation would be another condition that would show that it could not be carried out?

Mr. FRENCH. Would the gentleman increase the limitation?

Mr. RAKER. No; I think the private individuals ought to build up the town to suit themselves.

Mr. CULLOP. That is my idea, that the people ought to do this instead of the National Government, and then it will be done as the public requires and demands, but in this way you are building up in advance of the public requirements. That would be the result of this legislation if it should pass. Now if the gentleman from Texas desires time I will yield to him.

Mr. SMITH of Texas. Not just now.

Mr. CULLOP. Then I will yield 10 minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman, in addition to what I have said on this matter this morning, I desire to call the attention of the committee to a further fact which is worthy of consideration. In one of these towns of 160 acres a small piece of the land is sold or laid off, some 4 per cent of it, in the center. The balance of the land is to be sold after the Government builds its jails, its roads, its schoolhouses, its town hall, and all other things, which may be put off in entirely another part of these 640 acres, leaving out those who have been the first purchasers. Their ideas might change as the administration might change.

The main feature of this matter, and one of the things that seems to be more vital than anything else, is that which, to my mind, appears from the hearings in this case. I want to read just a little bit. I read from page 16 of part 1. Mr. MARTIN of South Dakota, speaking before the committee, said:

I am very familiar with these conditions, because right where I live, on this Government town-site tract, the people—because it is a Government town site—can not assess taxes, whereas these other towns right on the railroad and a little nearer market than Newell, although much smaller, are in position to proceed and make their municipal improvements, whereas Newell has so small a per cent of property there that they are not able to turn a wheel.

Now, if you want to build up these towns, if you want to improve them the same as the country that surrounds them is improved—that is, the farming district—comply with the reclamation act and the acts amendatory thereof, and appraise all of the lots in this town site after having platted it, laid off your location for your jail and your public assembly building, and your schoolhouse—

Mr. BUCHANAN. Oh, they do not need any jails out there.

Mr. RAKER. Just give them one for good measure—and all of the streets and byways, and it can then be opened up for bids of those who desire to buy this property, and just as fast as the town is in condition to improve, these lots will be for sale from time to time, and they will enhance in value, and the entire town will be in private ownership. They will then be in a position to assess the land and improve it, and no man will be in a position to hold any quantity of it, because he will be in such a hopeless minority that those living in the town will assess it sufficiently high to induce him to sell off part of it or improve the balance. They will then be able to use the money to improve the town and build up these necessary public improvements as they ought to be built up.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Certainly.

Mr. BUCHANAN. I know the gentleman is well informed in regard to these matters out West, but is it not a fact that the system that has been in vogue has been that real estate speculators got hold of these town sites and put up buildings and improved the town for the purpose of selling the property at a high price?

Mr. RAKER. It is not only true as to Illinois, but it is true of the West. Wherever you go, men are bound to speculate in real estate.

Mr. BUCHANAN. That being the case, the gentleman seems to feel that a public official is going to place a town site where the people in that locality do not want it. I can not conceive of such an idea. He could not succeed in doing it. He must respond to the will of the people in regard to these matters, and it seems to me the people's interest ought to be better off in the hands of a public official than in the hands of real estate speculators.

Mr. RAKER. There are no real estate speculators in it.

Mr. BUCHANAN. I have never seen a town yet where there were not.

Mr. RAKER. Then, the gentleman must place himself in a position to say that no man shall be able to advance the town in which he lives. In other words, after a man goes into one of the western towns, or in the gentleman's town, if he improves the street in front of his place, or fixes up his back alley, if he plants trees, and builds a house and sells it to some one that wants it, at a reasonable price, he is a speculator, according to the gentleman, and the gentleman would prefer that kind of improvement—

Mr. BUCHANAN. I would prefer it; yes.

Mr. RAKER. I am in favor of building up these towns.

Mr. BUCHANAN. I have done those things myself and I know it is the easiest money ever made, but I would stop it.

Mr. RAKER. It can not be possible that the Government is going to take over the policy of building up all your towns, large, small, and intermediate. Is it possible that this great Government is to go out into my State and lay off in one of those desert valleys 160 acres of land and build up a town?

Mr. BUCHANAN. I would say to the gentleman, on the contrary, instead of obstructing the progress of the West I would have the Government do this for the protection of the people's interest, so that the West might progress without the obstruction of real estate sharks and speculators.

Mr. RAKER. Well, that does not apply to the West, so far as building up farm communities where the towns are concerned. It may apply to Chicago and it may apply to the additions there, but it does not apply to the West if we give these men a free hand—the farmers and those who come there from other States and those who desire to become a part and parcel of that community and that town. They are not land sharks; they are not speculators. The farmers are going there to build up the country. Those who live in the towns are merchants, blacksmiths, teachers, and what not. They want to buy a piece of land to live on and build up a home, and because some man sells to them they are not land sharks. But you want to put the Government in a position of doing business, not on the ground but 3,800 miles distant; not that the people need them, but you lay out plans and specifications for an imaginary town, with an imaginary beautiful school house, with its plans and specifications, with its marble front and walks and cement driveways to and from it, with its jail in the same condition, whereas a log jail will do for many years and it will have a deterrent effect upon those who try to break the law instead of a fanciful stone structure with beautiful statuary surrounding it.

The same way with all the other buildings, and you would want to put upon the corners of each street a monument to some individual who may be a part of that country in future years. The people in those western towns do not build them up that way. They build them up as the necessities demand, just as the testimony is before the committee upon this same matter. I will read a portion of it:

The entire land is private land and subject to taxation, whereas here 96 per cent of the land is Government town site. The Government, however, had three towns established under the Belle Fourche project—one Newell; Nisland, a private town, and the other Fruitdale, a private town. Newell has more people than both of the others, attracted to it because it was a Government town site and because of these representations, but the people in the other town sites proceeded to get everything they wanted. They have got their waterworks in Fruitdale, although I do not suppose there are over 100 people living in the town.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. I would like to have five minutes additional.

Mr. CULLOP. I yield five minutes to the gentleman.

Mr. RAKER (reading)—

But in this town site of Newell we have not any water at all; no means to raise funds for waterworks; they draw it a mile and a half.

Think of that. That is the town site laid out by those who are laying it out in the interest of those who are going to live in the vicinity of this project. They have to haul their water for drinking and washing purposes miles and miles in barrels and leave it standing out in the open, and then they want us to take the money from the reclamation fund and give it for the purpose of building beautiful buildings in these towns, whereas in a little town 4 miles from it, with 100 inhabitants, they have electricity, water supply, good streets, and good school buildings. Now the gentleman says further:

Mr. MARTIN of South Dakota. In a word, an investor looking over those three towns would take this view. He would say, "Here is to be a Government town; they will have every advantage over these other two towns." And the representations in the literature as to what was to be done for the purchasers of lots in the town undoubtedly has had influence to bring these 500 people to this Government town, and put improvements of a half million of dollars on it, as between the other two competing towns. There can not be over 300 people in both of the two other towns, but they have these facilities and con-

veniences of living, good water, and have put in other improvements, bonding their towns for considerable, whereas the Government town-site people appear to be helpless to do anything or to rely upon the Government to help them.

There, right side by side, is shown what can be done if the Government adopts that policy of selling town lots in these reclamation town sites at public auction after they are appraised. Nobody can be injured and the Government gets the best price, and then you are in a position of improving your towns as they ought to be. The policy of the bill is what strikes me. The idea at this day, at this time, with only a few towns involved, for the Government to start into the policy of building up municipalities seems to me beyond the power and function of the Government.

Those acts referred to by my distinguished colleague from Arizona relate to Indian towns.

The CHAIRMAN. The time of the gentleman from California [Mr. RAKER] has expired.

Mr. CULLOP. I yield to the gentleman one minute more.

Mr. RAKER. Now, are you going to compare the building up of these western towns with the handling of town sites and those interested in towns? The Government handles and takes care of the Indians, their money, and their property. Now it is attempting to take care of the people in the West. They do not want it in that way. Furthermore, whatever money has been in any instance allowed, you will find, has been handled and turned over, whatever small per cent it was, to the Government authorities of those towns. And if gentlemen would just call to mind their own local homes, when they were boys, and the building up of their towns, they will remember that burning questions always occurred as to what should be the first improvement, whether it should be the schoolhouse, whether it should be the town hall, whether it should be waterworks, or whether it should be an electric-light system, or some other necessary improvement. But under this bill, under the policy that is intended to be enacted into law by this Congress, these questions are entirely taken from the local authorities; some individual goes into a community or into a town, and for that community fixes their policies contrary to their wishes and their desires.

The CHAIRMAN. The time of the gentleman from California [Mr. RAKER] has expired.

Mr. CULLOP. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] has 30 minutes remaining.

Mr. MARTIN of South Dakota. Mr. Chairman, I desire to ask the gentleman from Indiana if he wishes to conclude the balance of his time? I wish to make some concluding remarks in regard to the bill, but wish to make them after the other arguments are all in.

Mr. CULLOP. If the matter stops here now, I do not expect to use it, but the debate may make it such that I will desire to use it.

Mr. TAYLOR of Colorado. I have no further request for time, Mr. Chairman.

Mr. MARTIN of South Dakota. It being my bill, I would like to have the concluding argument, in order to answer the arguments which have been made, and if the gentleman has any desire to use his time, I wish he would do so.

Mr. CULLOP. I have no desire, I will say to the gentleman from South Dakota [Mr. MARTIN], to use any more of it.

Mr. MARTIN of South Dakota. Mr. Chairman, with the indulgence of the committee, I will take a few minutes in making some reference to the arguments pro and con which have been made as to this bill. The debate has continued over so long a period and has been made in such a fragmentary manner that it perhaps has not been satisfactory to Members of the House who are not, from force of circumstances, acquainted with the facts involved. And I would remind Members in that condition that I think, as is usual, doubt can probably be very easily resolved in behalf of the committee which reports this bill favorably.

A committee of 15 considered this matter and had hearings before it, covering some two or three different periods, and a majority of the committee reports in favor of the bill. Indeed, the minority report is signed by only 2 members of the committee of 15, namely, the distinguished chairman and the gentleman from California [Mr. RAKER], whose positions, I am entirely satisfied, are taken with the utmost sincerity. I believe, however, a closer contact with the conditions which make this legislation necessary and cause it to be recommended by the department and by Members who come from these localities would remove the objections in the minds of any who have felt disposed to question the wisdom of the legislation. It is suggested that it is the adoption of a new policy. It is not a new

policy. As the gentleman from Arizona [Mr. HAYDEN] has said, the Government has not at any time sought to obtain profit to itself from lands within located town sites, and there is precedent for this legislation in effect in bills we have passed from time to time as to town sites created in Indian reservations when the lands about them are open for settlement.

And as we have been reminded by the remarks of the gentleman from Arizona [Mr. HAYDEN], the Congress has with great uniformity provided that a portion of the proceeds of the lots sold on these Government town sites made from Indian reservations should be used for public utilities, upon the same general plan and system as here proposed. And, indeed, the general town-site law that has been in the statutes of the Government of the United States for many, many years, under which many towns of the West have obtained their titles, was administered by the Government purely and simply for the benefit of the inhabitants of the towns themselves. Lots that were in actual occupancy in such town sites under the general town-site law were set aside to the persons occupying them without any payment for the lot except a proper proportion of the expenses of administration leading to the passage of titles. As to all remaining areas, the general town-site law gives the land to the municipality, and the proceeds are generally used for the benefit of the school fund as such lots are disposed of.

When we started out with the reclamation town-site act the provisions apparently were not given careful consideration as to their effect. We started out contrary to all our precedents in such matters and set aside the entire proceeds from the sale of lots under the reclamation town-site projects for the benefit of the reclamation fund.

This bill simply proposes to give one-half of the proceeds of the sale of the town sites in these reclamation projects for the benefit of public utilities, such as waterworks, streets, lights, and other necessary utilities for the benefit of the town, and when this law is passed, if it becomes a law, it will still place the occupants of Government town sites upon reclamation projects at a disadvantage to the extent of the other one-half as compared with our general town-site law.

I think it is an equitable proposition. The argument that is made against it is based upon unnecessary fear of the working out of this proposed legislation. The gentleman from Texas [Mr. SMITH], the distinguished chairman of the committee, says that it is creating a system of paternalism, to be administered by a bureau chief or a Secretary here in Washington. Well, the charge of paternalism can be made against many of the necessary legislative steps for the proper progress and development of the country, but there is less paternalism in this proposed amendment to the town-site law than there is in the entire reclamation act.

What are the facts there? This whole subject of reclaiming the arid lands of the United States is a piece of paternalism, if we are to measure it by those standards. The Government proceeds and builds these great reclamation projects and puts the Government money into them, amounting to millions of dollars. The Government does the whole service without any compensation to the Government, and simply charges to the settlers under the project the cost of the works when completed. And the Government not only constructs the works, but it absolutely manages them for a period of not less than five years in the interest of the people under the project.

It is paternalism, it is true, if we are captious and insistent upon that idea with respect to legislation; but it has been the means of developing the arid lands of the West in a way that they could not have been developed otherwise. Those works require the interposition of the Nation. The Nation is very much interested in the development of those vast areas of rich land that are naturally without water unless it is brought in artificially; and the progress of the community, the building up of new communities and cities and towns, forming new circles of civilization, is the justification for the Government taking part in these great enterprises.

As to the management of the irrigation projects themselves, the Interior Department absolutely conducts those projects in all of their particulars for the first five years after they are constructed, and only when one-half of the cost is paid for does the management pass to the settlers under the form of water users' associations.

Now, there is much less paternalism in this proposition regarding reclamation town sites. The Secretary of the Interior, having this machinery all about him in the construction of the project generally, is authorized to make the necessary improvements in the town for the public utilities, using only one-half of the money that the town-site occupants themselves put into the Treasury for their lands.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Dakota yield to the gentleman from Maryland?

Mr. MARTIN of South Dakota. I do.

Mr. LINTHICUM. Would not the passage of this bill have the effect of making this land sell for so much more that the Government would not lose anything?

Mr. MARTIN of South Dakota. That is absolutely true. The Government in any event would not get any of this fund. It goes into the reclamation fund for the benefit of the settlers. But the gentleman is right. The Government must take the initial steps for the improvement of these town undoubtedly, and a much higher price would be paid for the land if the improvements are made.

Mr. LINTHICUM. Would it not be improved much better than under the old régime?

Mr. MARTIN of South Dakota. Yes. That is the idea of the Department of the Interior. They claim that they can construct these initial improvements much more economically and under a much better system than is likely to be done in the haphazard way that would apply if the department does not itself start these initial improvements. I think the gentleman's suggestion is right.

And so far as some of these towns are concerned town lots are sold at such a figure as to be very advantageous to the project. For instance, in the town of Newell the land brought \$2,000 an acre. Otherwise it would not have brought anything to the reclamation project at all, because it would have been taken by homesteaders under the reclamation act. A small part of the Newell town site was sold to occupants at the rate of \$2,000 an acre, and it was upon the expectation that these improvements would be made under the direction of the Interior Department. Under the policy that has been adopted of selling only a small part of the town site at first, this is the only way that these improvements can be made at all. The town site I have referred to has 640 acres in it. Gentlemen differ as to whether the Government ought to throw the whole 640 acres onto the market at once and place it in the hands of speculators away in advance of the time it is needed for occupancy, or whether the Government ought to do what the Interior Department is doing—sell simply the portion needed for occupancy and give the town-site fund the benefit of the appreciation of the other lots as they are needed when the town grows. Whatever may be said by way of fundamental argument on one side or the other, there is no doubt in my mind that the policy of the department of selling only that which is needed for actual improvement from time to time will bring a great deal more out of the future sale of lots than if the whole thing were thrown upon the market at one time. Inevitably the areas not needed for use would fall into the hands of speculators, and the man who came along and wanted a lot would be up against a speculative market, and the speculator would get the profit instead of the farmer. Some one or more gentlemen here, assuming to be solicitous for the farmers, say this bill would operate against the farmers. In no sense. The interest of the community is a common interest.

The farmer is advantaged by having a good town in the center of such a project, where he can obtain his supplies at a minimum of inconvenience, and if he gets one-half the proceeds of the sale of town lots to help reduce the cost of the water-works that bring to him his water supply, he is evidently favored over any other occupant of public lands. This matter has been up for months since the first hearing. I live out in the general neighborhood of one of these great projects. Other Members from the West live near other projects, and I have heard no suggestion from any farmer or any settler of any objection to this sort of a plan. The equity and justice of it seem to be comprehended by all, and if this were in any sense likely to operate to the disadvantage of settlers and farmers in these communities, do you suppose Members would not have heard of it? Do you suppose the farmers would have been silent all these weeks and months? The objections raised by gentlemen are purely imaginary. The farmer is getting the best of this in any view of the case, and he knows it.

Mr. LOBECK. How far apart are these towns located on the reclamation project?

Mr. MARTIN of South Dakota. Do you mean how far apart are the Government towns?

Mr. LOBECK. Yes.

Mr. MARTIN of South Dakota. As a rule, there is only one Government town on each project. Taking the case of the Belle Fourche project in South Dakota, Newell is the Government town site, located in about the center of the project, which embraces something like 100,000 acres. It is on the railroad. There are other towns, which are not Government towns, located either in the project or right on the edge of it. That

affords me an opportunity to illustrate the difference in the condition of the people in the Government towns and the other towns. As is customary, and as would have been the case here if these lands were in private ownership, the other towns are built upon lands owned by private individuals. If the area of the town is a mile square, which it generally is, or about that, of course all of the land within that mile square is subject to taxation.

Consequently these towns simply proceed to issue bonds to build their public utilities, and the whole square mile within the corporate limits is subject to taxation for the payment of the interest and principal of the bonds. In that way these towns can proceed to make the necessary municipal improvements. But when you come to the Government town, only 4 per cent of the 640 acres is sold, and the balance is held by the Government and not subject to taxation. The result is that whatever they have in the way of schools or any other general advantage has to be done by private subscription. I have here a telegram from the people of that town showing that the assessed taxation is less than \$600. Now, if the entire town site was passed over to the municipality or private ownership, it would be all subject to taxation; but under the policy of the Interior Department—a wise policy—they are not selling the surplus lands around, but keep them to give the appreciation in value to the reclamation fund and the inhabitants of the town.

Mr. LOBECK. Will the gentleman yield?

Mr. MARTIN of South Dakota. Certainly.

Mr. LOBECK. That would be for the great benefit of the people generally.

Mr. MARTIN of South Dakota. There is no conflict between the settlers and the inhabitants of the town; they are all interested in the preservation of the town-site land, because that is for the general benefit.

Mr. LOBECK. And the improvements would be better.

Mr. MARTIN of South Dakota. Absolutely; and this town of Newell with the disadvantages, with the inability to proceed and make municipal improvements, nevertheless, being a Government town site, is outstripping the other towns in a business way, but is perfectly helpless in the way of public utilities.

Mr. LOBECK. They have to issue bonds that get into the hands of somebody that forecloses, and then they have the burden to bear. In this way the Government is behind it, and the people who live in the towns are not stuck for final payment.

Mr. MARTIN of South Dakota. I think the policy of the Interior Department is a wise one, and I only took the floor in concluding upon our side of this proposition with the desire that no Member might be opposed to this legislation by reason of lack of knowledge of the facts and the real questions involved.

Now, Mr. Chairman, I yield 15 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I do not desire to take up 15 minutes of the time of the House on this bill, but I do feel favorable to the bill, because I believe all such improvements redound not only to the benefit of the town itself but to the entire community. I do not believe this bill would cost the Government of the United States one cent, because I believe the balance of the lots will sell for more than sufficient to make up the difference for the half allowed for improvements; that they would make up in this way enough to pay for all the public improvements and leave the reclamation fund no poorer.

I have had considerable experience in the development of property, and I know that improved streets and other improvements are always an asset to the town, because when you have improved streets you have a better class of development and a better town, and you develop a community worthy of these improvements. I believe if we pass this bill and this money is expended in streets and public buildings that it will make a far better town and net the Government a whole lot more money.

I do not take much stock in the question of paternalism. I found at the last session, when the army worm invaded the South, we made a large appropriation to go down and destroy the army worm or discover how they might be destroyed and what might be done to prevent them. I remember on my father's place, before the Government undertook the appropriation of money for these things, the tomato worm was a terrible thing and a formidable pest. We did not come to the Government at that time, but we got a lot of turkeys and put them into the tomato patches and destroyed the worm. But I believe the policy of the Government to-day to take care of its people and make possible a high order of development is a proper policy. I believe if this bill passes and the money is used in the construction of streets and the building of schoolhouses, a water

system, and a light system, we will build a town as it should be and a credit to the State. When towns start they start in a small way. We do not know how much they will develop, but we know if they start right they are going to develop right, and build into large and creditable towns to benefit the whole country. The assessments will be larger, the tax receipts will be larger, and the Government will be benefited, the State will be benefited, and I for one would like to see the bill pass. [Applause.]

Mr. MARTIN of South Dakota. Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I make the point of order that no quorum is present.

The CHAIRMAN (Mr. WITHERSPOON). The gentleman from Texas makes the point of order that no quorum is present. The Chair will count. [After counting.] Seventy-eight Members are present—not a quorum—and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Fordney	Legare	Richardson
Akin, N. Y.	Fornes	Lindsay	Riordan
Alexander	Fuller	Littlepage	Rucker, Mo.
Ames	George	Littleton	Sabath
Andrus	Gillett	Lloyd	Scully
Ansberry	Goeke	Longworth	Sells
Anthony	Goldfogle	McCall	Shackleford
Barnhart	Good	McCoy	Sheppard
Berger	Gould	McCreary	Slemp
Burgess	Gregg, Pa.	McGillicuddy	Small
Burke, Pa.	Gregg, Tex.	McGuire, Okla.	Smith, J. M. C.
Burke, Wis.	Hamill	McKellar	Smith, Saml. W.
Campbell	Hammond	McMorran	Smith, Cal.
Cantrill	Hardwick	Maher	Smith, N. Y.
Carlin	Hardy	Martin, Colo.	Sparkman
Carter	Harris	Matthews	Speer
Cline	Harrison, N. Y.	Merritt	Stack
Conry	Hart	Moore, Pa.	Stanley
Copley	Hayes	Morrison	Stephens, Nebr.
Crago	Heflin	Needham	Stephens, Miss.
Cravens	Hill	Neeley	Suloway
Curry	Howell	Nelson	Taylor, Ala.
Daugherty	Hughes, Ga.	Oldfield	Taylor, Ohio
Davis, Minn.	Hughes, W. Va.	Palmer	Thayer
Davis, W. Va.	Hull	Patten, N. Y.	Tilson
Dixon, Ind.	James	Pepper	Underwood
Doremus	Johnson, Ky.	Peters	Volstead
Ellerbe	Johnson, S. C.	Post	Vreeland
Estopinal	Kahn	Pou	Weeks
Fairchild	Kinkaid, N. J.	Prouty	Whitacre
Farr	Kitchin	Pujo	Wilder
Fergusson	Knowland	Rainey	Wilson, Ill.
Fields	Konig	Randell, Tex.	Wilson, N. Y.
Floyd, Ark.	Lafferty	Redfield	Woods, Iowa
Focht	Langham	Reyburn	

The committee rose; and Mr. FITZGERALD having assumed the chair as Speaker pro tempore, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee finding itself without a quorum, he had directed the roll to be called, that 244 members answered to their names, a quorum, and he reported the names of the absentees.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read.

Mr. SMITH of Texas (interrupting the reading). Mr. Chairman, if I am in order at this time, I move to amend by striking out the enacting clause of the bill.

The CHAIRMAN. The Chair will state to the gentleman from Texas that amendment is not in order until after the first section of the bill has been read.

The Clerk read as follows:

Be it enacted, etc., That one-half the net proceeds heretofore received from the sale of town lots in towns within or in the vicinity of reclamation projects, sold under the provisions of the acts of April 16, 1906, and June 27, 1906 (34 Stat. L., 116, 619), and acts amendatory thereof and supplementary thereto, and one-half the net proceeds hereafter received from such sales shall be, and the same are hereby reserved, set aside, and appropriated as a special fund in the Treasury, to be known as the reclamation town-site fund, to be used in the construction, maintenance, and operation of schoolhouses, water and sewer systems, and other municipal improvements in the towns where lots have been or shall be sold as aforesaid. And the aforesaid one-half of the net proceeds heretofore received from such sales shall be forthwith transferred from the reclamation fund to the reclamation town-site fund hereby created.

Mr. SMITH of Texas. Mr. Chairman, I move to amend by striking out the enacting clause of the bill.

The Clerk read as follows:

Amend by striking out the enacting clause.

Mr. SMITH of Texas. Mr. Chairman, when this bill was pending before the House on a former day of this session, I discussed it at some length. I do not know that I can say much more now than I said at that time. I believe that if the bill is properly understood by the membership of the House the amendment which I have offered will be adopted, so convinced am I that the bill ought not to pass. The bill provides that when the

Government lays out a town site in connection with a reclamation project, surveys and subdivides it, and sells the lots, it shall take one-half of the proceeds of the sale of the lots and donate those proceeds back to the purchasers of the town lots by constructing municipal improvements in the town, without any contribution whatsoever from the purchasers of the lots or the settlers of the town.

Under this bill the purchasers who buy lots receive the full benefit of their purchase. In other words, they have got value received by getting the lots, as the lots are worth the money. This bill provides that one-half of the money shall be returned in the way of municipal improvement, the money which under the present law is credited to the benefit of the farmers who improve the land under the reclamation project.

The bill is broad enough to cover all sorts of municipal improvements—schoolhouses, water, light, sewers, streets, sidewalks, and street cars if necessary—and it is without any limitation on the power of the Secretary of the Interior to do that except by the amount of money that may be available for the purpose. Not only that, but it provides that after these various works are constructed that the Secretary of the Interior shall maintain and operate them; that they may be constructed before there is any municipal government organized, and it provides that the Government shall operate and maintain them until the municipality is organized, and not longer than two years thereafter; and I submit in cases where the burden of doing this is heavy that the people, if left to their own choice, as is done under this bill, will never see fit to organize a municipal government, and therefore the Government of the United States will have to operate them for an indefinite time. But gentlemen say that if these works are constructed by the Government the Government will be out nothing; that it will enhance the lots which may be unsold belonging to the Government. Gentlemen, that is the merest sort of speculation. It may or it may not enhance the value of the remaining lots, and this is a proposition here to put the Government in the same attitude as the town lots and the town-site boosters of the country, to speculate upon the advance in value of the town sites. Now, Mr. Chairman, it seems to me that this is a new departure. It proposes to establish a new policy for this Government; and I want to ask gentlemen here why it is that these towns are not permitted and required to grow up in response to the business done as other towns are required to grow up? I take the position that the town with sufficient business and wealth and progress will construct its own municipal improvements—

Mr. LINTHICUM. Will the gentleman yield?

Mr. SMITH of Texas (continuing). And if it has not the population and wealth and business to authorize the construction of municipal improvements, then they ought not to be made. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent that the gentleman from Texas be allowed five minutes. I desire to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland that the time of the gentleman from Texas be extended for five minutes? [After a pause.] The Chair hears no objection.

Mr. LINTHICUM. I would like to ask the gentleman how these people are to get the public improvements in a township like that of Newell, for instance, where only 4 per cent of the lands are to be sold and the balance are still owned by the Government and not subject to taxation?

Mr. SMITH of Texas. I will say to the gentleman if there is any demand there by the growth of the town that these lots should be sold, there will be purchasers for them just as there are everywhere else, and if there is not such a demand then there is no reason to construct these improvements.

Mr. LINTHICUM. Does not the gentleman believe, though, by the construction of these improvements that the town will grow faster and be a better town than it would be without these improvements?

Mr. SMITH of Texas. I do not. I believe the towns are built up by the business that is furnished by the surrounding country and not by the construction of useless municipal improvements, and that is illustrated all over this country.

Mr. TALCOTT of New York. I would like to ask the gentleman from Texas if it is not a fact that out of these 32 township sites the larger number are not occupied at all?

Mr. SMITH of Texas. I think that is the fact.

Mr. TALCOTT of New York. Only 10 of them?

Mr. SMITH of Texas. That is the fact, and yet this bill proposes to authorize the Government to construct municipal improvements in every one of them where the Government is receiving any money.

Mr. TAYLOR of Colorado. Mr. Chairman, it seems to me it is a violent assumption to assume that the Government of the United States is going to uselessly expend the money of the people in the construction of municipal improvements. It seems to me that we can trust the Reclamation Service to only build such improvements upon these town sites as are needed by the people, and when the money to construct these improvements is paid by the people themselves, drawn by the Government out of the inhabitants of this land and put in the reclamation fund, it seems to me there can be no more legitimate expenditure of that money than to devote it to municipal improvements in the way of streets, sewers, and other necessary improvements for the upbuilding of those towns. The very reason that there are 30 town sites and 31 reclamation projects throughout this country and there are only very few towns that are to-day amounting to anything is because there is no money with which to build those towns. And it further seems to me that when the Reclamation Service of the United States had gone over this matter exhaustively, and where every one of us gentlemen from those States affected are here agreeing to this bill, and when the Irrigation Committee reports this bill out with only two dissenting members, it would seem to me that when there is no voice of protest from any one State in the Union that has one of these town sites affected by this bill, that we ought to pay some attention to the wishes, the welfare, and the judgment of the Interior Department and the people who are affected directly by this legislation.

We feel that the House ought, as a matter of justice to the upbuilding of these municipalities in the West, to consider our welfare and our wishes. We thrashed this out for three hours the other day and for three hours to-day, and it would seem this motion now to strike out the enacting clause ought certainly to be voted down in the interests of the development of these 32 irrigation projects throughout the West. Nobody appears here showing that there is any objection from anybody who knows anything personally about this legislation. The opposition is theoretical and speculative. The gentleman from Indiana [Mr. CULLOP] says they might never incorporate. We are perfectly willing to make them incorporate or not get the benefit of this act. That objection does not apply. As a matter of fact, the American people will incorporate whenever they get an opportunity. I feel that the objections that have been thus far made are speculative, visionary, and theoretical, and do not come from the people who have the personal knowledge of and the personal welfare of the inhabitants at stake. Therefore I hope that this motion will be voted down.

Mr. RAKER. Mr. Chairman, I move to strike out the last two words.

I wish to call the committee's attention really to the proposition that there are 30 town sites in these 32 projects. Up to date there are only 2 in the State of Idaho; in Montana, 6 towns; South Dakota, 1; Wyoming, 1; and in all the other western public-land States there is not a town site on which there has been an acre of land sold or a lot or a plat of the town made to-day. And as far as the western land States are concerned, there are only these four States, and when you read the record here you will find they are not demanded. It is a speculative idea that these town sites will be a benefit to the community, when you find there are within 4 miles of this town of Newell two prosperous towns, with electric-light and water systems, and in the town of Newell, a Government project up on the hill, they are without water, except where they draw it. It is a question of whether this Government ought to enter into the policy of building up town sites in advance of inhabitants. Ought they to go out there and build town halls, town eating places, waterworks, electric-light systems, and all other improvements, without any inhabitants in the town or in the surrounding country getting the benefit? That is the question involved here and not the question that those individuals will build it up. In every place in the West where you find the town lots under private ownership, so that they may be taxed, you will find the towns are prospering, electric-light and power plants and all other necessary buildings are being built, and just as fast as the demand of that community may warrant.

I want to call your attention to section 2 of the bill.

Mr. LOBECK. What is the mortgage on these prosperous towns?

Mr. RAKER. It will be a mortgage indebtedness if you take the fund from the reclamation project that should be used to irrigate these arid lands for the purpose of building up an ideal, imaginary town, that the people can not afford to assume and pay the price that will be assessed.

In regard to the bill, section 2 says:

That the Secretary of the Interior may, in his discretion, from time to time, expend, or cause to be expended, from said reclamation town-site fund, for the construction, maintenance, and operation of school-

He may operate schoolhouses, employ teachers, and run the business of schools in these towns—

water, light, and sewer systems, and other school and municipal improvements in each of such town sites—

Every conceivable municipal improvement could be built and maintained. And I want to call your attention further to this fact:

The buildings and works so constructed may, in the discretion of the Secretary of the Interior, be operated and maintained by him or under his authority, and the expense thereof paid from the reclamation town-site fund, pending the organization of a municipal corporation or school district qualified to operate and maintain the same, and upon the organization of such municipal corporation or school district the Secretary of the Interior may transfer to such corporation or school district the said buildings or work.

In other words, under this bill the Secretary of the Interior, notwithstanding the organization of the municipal corporation, may continue forever, in his discretion, not only to build but to operate and run schoolhouses, city jails, city waterworks—

Mr. MONDELL. Will the gentleman yield for a question?

Mr. RAKER. He may maintain city electric-lighting privileges—

The CHAIRMAN. The time of the gentleman from California [Mr. RAKER] has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent for one more minute.

The CHAIRMAN. The gentleman from California asks unanimous consent for one minute more. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Assuming that there is any foundation for the gentleman's recent criticism of the bill, will the gentleman vote for the bill if the amendment offered by him to meet that objection is carried?

Mr. RAKER. Well, I will answer the question of the gentleman from Wyoming. The fundamental principle—

Mr. MONDELL. The gentleman is against the bill—

Mr. RAKER (continuing). Is such that the Government ought not to go into the business not only of building, but of operating municipalities where there is not a sufficient number of people in the surrounding country to build it up and maintain it as it ought to be built up and maintained. [Applause.]

Mr. MONDELL. Then the gentleman's objections are not those that he voices, but other objections?

Mr. RAKER. My objection applies to the bill all through. I have mentioned only a few of my objections to things that appear in this bill. Why should the National Congress enter upon the policy of building and operating municipalities?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. That is not in order. The last two words have been stricken out.

Mr. LINTHICUM. Then I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. LINTHICUM. Mr. Chairman, I hope the amendment will not prevail. I can see no objection to the bill whatever.

The gentleman from California [Mr. RAKER] lays great stress on the fact that the Secretary of the Interior may expend money for all manner of things. The Secretary can not expend more than one-half of what is received from the lots that are sold, and, judging from what the Secretary says, he does not think there will be many lots sold, so that there will not be much money to spend. But, in any event, he can not expend more than one-half of what he receives from the lots that are sold.

The gentleman from California speaks of a town within 4 miles which has electric lights and water, and so forth, but the gentleman does not tell us what the mortgage indebtedness is upon that town 4 miles away. The fact is that in the town of Newell only 4 per cent of the lots can be sold, and therefore a public bond issue can not be made, because you can not tax the other 96 per cent of those lots to secure the bond issue, because they belong to the National Government and are not taxable.

Mr. RAKER. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman yield?

Mr. LINTHICUM. Yes; certainly.

Mr. RAKER. Is it not a sufficient answer, if the statement of the gentleman from Maryland is correct, that only 4 per cent can be sold—is it not conclusive evidence that the Government ought not to go into the building up of that town away out there and sell only 4 per cent of 40 acres?

Mr. LINTHICUM. I think it is incumbent upon the Government to develop as fine a town there as can be developed. I think it is the duty of the Government to go in and help those

people in this way. It is not only an economic question, but also a practical business question, because I know, and every man who has dealt in real estate knows, that when you improve property by a good system of streets and a good lighting system and good schoolhouses you are doubling the value of the land you are offering for sale.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from Texas?

Mr. LINTHICUM. Yes.

Mr. SMITH of Texas. Does not the gentleman think it would be more equitable for the advocates of this bill to come in here and propose that the Government shall contribute its share of the taxes within this municipality for these purposes? The gentleman says that these unsold town lots can not be taxed, and yet he and those who believe with him are coming here and asking that the Government shall devote the whole amount for these improvements.

Mr. LINTHICUM. The fact is that the Government does not pay taxes nor collect land taxes, and therefore that could not be put into effect.

Mr. SMITH of Texas. An act of Congress can be passed to that effect.

Mr. LINTHICUM. Will the gentleman support such a bill if the Government can do that and agrees to do it?

Mr. SMITH of Texas. I will support a bill providing that the Government shall contribute a proportional part for these improvements.

Mr. LINTHICUM. Then, the gentleman talks about paternalism and talks about the Government contributing money to do this thing, when these people only ask for half of the money that the people themselves pay for the lots. What is the difference between paying money from the Treasury to do this work and taking the money from the lots that are sold and doing the work with that? There is not an old city in this country that has not suffered and is not suffering to-day from the fact, and that has not expended millions of dollars to rectify the fact, that the town was not begun aright.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. BORLAND. Mr. Chairman, I ask that the gentleman from Maryland have five minutes more.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] asks unanimous consent that the gentleman from Maryland [Mr. LINTHICUM] proceed for five minutes more. Is there objection?

Mr. CANNON. Mr. Chairman, I shall not object; but at the end of that five minutes I will demand the regular order.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Chairman, as I only have five minutes, I must decline further interruptions. As I say, there is not a large city in this country that is not suffering to-day from the fact that it was not begun aright; that it was not laid out by engineers and public improvements provided for. Take my own city of Baltimore. We are expending \$20,000,000, and it may run to \$30,000,000, in the construction of sewers. Why? Because we are compelled to tear up splendid improved streets to put down that sewerage system. If we had started out properly we would not be expending these millions to-day.

Mr. RAKER. Will the gentleman yield for a question?

Mr. LINTHICUM. Yes.

Mr. RAKER. Is it not a fact that the testimony before the committee shows that in none of these places have the department laid out a town site? They have selected 10 or 12 acres without any regard to the laying out of the rest of the town site with any regard to roads, streets, sewers, public parks, or otherwise.

Mr. MARTIN of South Dakota. Will the gentleman permit me?

Mr. LINTHICUM. Certainly.

Mr. MARTIN of South Dakota. It is certainly a very loose statement of the evidence to say that the department has laid out these towns without any system. Quite the reverse is true. They have sold only a part of the lots, but the part that they have sold has due reference to the entire town site which the engineers have selected. Being entirely familiar with the testimony, I take the liberty of answering the gentleman's statement.

Mr. MONDELL. Will the gentleman yield?

Mr. LINTHICUM. I will yield if the House will extend my time, but I have only a very little more time.

Mr. CANNON. At the end of the five minutes I shall demand the regular order.

Mr. LINTHICUM. Then I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. LINTHICUM. I was saying that if this town is started properly, and if the Government is allowed to expend half its receipts from the sale of these lots in the improvement of the town, then we will have a town worth while. If, however, you leave it to the building of houses alongside of roads, you can not issue bonds for improvements, because you can not secure the bonds that you might issue, for the reason that the Government owns all the property, and you are going to have a town that is not worth while. Now I will yield to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. The proposition in this bill is to donate one-half of the amount that the land sells for for the purpose of improving the town. Would it not be better for the Government in the first place just to give the people half the lots, donating each alternate lot, and say, "Now, you go ahead and make these improvements and relieve the Government from further responsibility"?

Mr. LINTHICUM. That might work well if you owned all the property, but the fact is that the Government still has 96 per cent of it, which you can not tax. Therefore you can not issue any bonds to construct these public improvements. That is something which must be done by the city. No individual is going to improve the property in front of his few lots when the next individual will not improve his. You can not build a lighting system unless you have the whole town back of you with a fund, secured by bonds or otherwise. You must have it done by a bond issue, and in this case you can not have it done in that way because the Government owns the property and pays no taxes. Therefore you must do it in this way, by taking a part of the proceeds derived from the sale of lots.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. LINTHICUM. Certainly.

Mr. MONDELL. The gentleman from Texas [Mr. SMITH] asked the gentleman from Maryland a question a moment ago which indicates that he still harbors the idea that the Government is asked to make some contribution toward the building of these town-site improvements. Is it not a fact that the Government makes no contribution whatever, but simply uses 50 per cent of the proceeds of the sale of lots?

Mr. LINTHICUM. The bill provides that they shall use 50 per cent of the proceeds of the sales of these lots, and you can not expend more than that one-half of those proceeds.

Mr. MONDELL. But the gentleman from Texas [Mr. SMITH] continues to refer to that as a contribution by the Government. The Government contributes nothing.

Mr. LINTHICUM. I think the Government will benefit by this system, because when it is an assured fact that the property is going to be improved by the construction of these schoolhouses and these lighting and sewerage systems I think the lots will sell for more than double what they now sell for, and not only does the Government not pay anything, but the reclamation fund will not be lessened.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINTHICUM. I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. BOEHNE. Mr. Chairman—

Mr. CANNON. I demand the regular order.

The CHAIRMAN. The gentleman from Illinois demands the regular order, which is the amendment of the gentleman from Texas [Mr. SMITH].

The question was taken; and on a division (demanded by Mr. SMITH of Texas) there were 52 ayes and 72 noes.

Mr. SMITH of Texas. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. SMITH of Texas and Mr. TAYLOR of Colorado.

The committee again divided; and the tellers reported that there were 47 ayes and 75 noes.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, line 3, after the word "heretofore," insert the words "or hereafter."

The amendment was agreed to.

The Clerk read as follows:

Page 1, strike out all of line 4 after the word "in"; strike out lines 5, 6, 7, 8, and on page 2 lines 1, 2, 3, and line 4 to and including the word "same"; and in line 4 insert "reclamation town sites."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 8, insert after the word "water" the word "light" and a comma.

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 8, insert after the word "other" the words "school and."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 10, insert after the word "aforesaid" the words "in proportion to the amounts received from each of the said towns, respectively."

The amendment was agreed to.

Mr. FERRIS. Mr. Chairman, is this paragraph, section 1, open to amendment?

The CHAIRMAN. It is.

Mr. FERRIS. I would like to ask the gentleman in charge of the bill a question. What is the theory on which the 50 per cent of the total town-site sales is given to the local community for public improvement purposes? Is not this a much larger sum than we have given before to any local community out of the proceeds of any sale of Indian lands, let alone taking from the reclamation fund?

Mr. TAYLOR of Colorado. I may say that the Reclamation Service, the people under the various reclamation projects, have been considering this matter for several years, and they have come to a mutual agreement that that is a fair proportion of the proceeds. There is no objection to that amount made by either the farmers, the homesteaders under the project, or the inhabitants of the town, or the Reclamation Service. It is a compromise arbitrary amount.

Mr. FERRIS. Does not this reduce the total amount of the reclamation fund just the amount that you expend in these local communities?

Mr. TAYLOR of Colorado. It reduces that amount of money being spent on further construction, or something of that kind, but it is deemed that it is more important that this small amount should be expended toward the municipal improvements than otherwise. The attention of the House was called to that fact by the gentleman from Arizona [Mr. HAYDEN], that out of \$60,000,000 that has been received from the reclamation fund there is only \$200,000 received from the sale of town sites, so that this is to that extent a comparatively small sum. But let me say to the gentleman that in reality it increases the receipts that go to the development of these projects.

Mr. FERRIS. Mr. Chairman, I think that this bill ought undoubtedly to be amended or defeated altogether, for two well-defined reasons. In the first place, in the sale of the Indian town sites on Indian lands the largest per cent I ever heard of being given to the local community was 20 per cent—that is, in dealing with Indian lands. I think the reclamation fund is even a more sacred fund than that. Each of the several States has contributed to the reclamation fund and undoubtedly have an interest in the total fund. Until the act of 1910 was passed, which partially swept that away, each State had its individual direct interest in the amount contributed.

Now, it seems to me that, while this may not be a heavy drain on the fund, I am advised by somebody—I think the gentleman from Arizona—that it was \$110,000, and a half would only be about \$50,000. But if we begin to carve out of the fund that ought to be sacred the amount of \$50,000 to-day and \$50,000 to-morrow, in the last analysis that fund will be dissipated and destroyed.

Mr. SMITH of Texas. Has the gentleman offered an amendment?

Mr. FERRIS. I will do so at the proper time. It occurs to me that every man in this House ought to at least try to follow the spirit of that law. The spirit of the reclamation act undoubtedly was that every cent expended for this purpose should be brought back to this fund, and if we begin to divert it here and divert it there it will not be very long until there will be no reclamation fund, and we can all then point to the errors that we have made.

Mr. Chairman, has a motion been voted on to strike out the enacting clause?

The CHAIRMAN. Yes; it has.

Mr. FERRIS. Mr. Chairman, I move to strike out "one-half" and insert in lieu thereof "5 per cent."

I would say, in this connection, that I would strike it all out if I could, but I take it that that would not be in order.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma.

The Clerk read as follows:

Amend, page 2, line 12, by striking out the words "one-half" and inserting in lieu thereof the words "5 per cent."

Mr. MANN. Mr. Chairman, I move to amend the amendment by inserting 30 per cent.

Mr. FERRIS. Mr. Chairman, would not the gentleman make it 20 per cent, so that it would at least be uniform with the Indian legislation upon the subject? The largest amount that has ever been given of these proceeds has been 20 per cent.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by substituting for "5 per cent" "30 per cent."

Mr. MANN. Mr. Chairman, it seems to me that one-half, 50 per cent, is rather a large amount to take for these improvements. On the other hand, I am inclined to think that 20 per cent, as provided in the Indian bills, is not quite enough in these reclamation projects. I do not care to discuss the matter at any length. It occurs to me that somewhere below 50 per cent and above 20 per cent would be right, and I have suggested 30 per cent, which comes near to being one-third. Whether that amount prevails or not, I propose to offer another amendment to strike out "maintenance and operation," so that the bill will provide only for the construction of these improvements.

Mr. MONDELL. Mr. Chairman, there have been some very remarkable developments in the discussion of this bill. First, the chairman of the committee in opposition to it, in writing his report, stated that the funds proposed to be used for the improvement of the town sites were to come out of the Treasury of the United States. He has discovered his error during the debate.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I will not.

Mr. SMITH of Texas. I do not want the gentleman to misstate my position.

Mr. MONDELL. I yield to the gentleman.

Mr. SMITH of Texas. Where does this money go when the town lots are sold and the proceeds are received?

Mr. MONDELL. When the town lots are sold, as the gentleman knows, under the present law the proceeds go into the reclamation fund to the credit of the project. Not a penny of it ever becomes Government money, not a penny of it goes into the Treasury of the United States to remain there.

Mr. SMITH of Texas. Where is the reclamation fund that it goes into? Is it not in the Treasury of the United States? The gentleman can not dispute that.

Mr. MONDELL. Oh, I suppose if these moneys were paid in silver dollars as a physical fact they might be put into the Treasury of the United States; and if that is what the gentleman is basing his argument upon let the House understand it, that while this money never belonged to the Government, and never could belong to the Government, yet, because of the physical fact that some silver dollars might be placed in the Treasury, the gentleman from Texas asks you to vote against the bill. If that is all there is to the gentleman's argument it does not count for much.

Mr. PADGETT. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I can not yield at this moment. That error has been disposed of. Now comes the gentleman from Oklahoma [Mr. FERRIS], who has been unfortunate in not being here during the discussion, and he plunges headlong into the same error, out of which we have finally pulled the gentleman from Texas. He does not want the reclamation fund dissipated. He wants to save it to build some reclamation projects in Oklahoma, and not having heard the debate, not knowing the facts or understanding the law, he imagines that we are proposing now to take some moneys out of the reclamation funds.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FERRIS. The gentleman recites the fact that we are expecting to have some of the fund expended in Oklahoma. I call his attention to the fact that we have contributed six and one-half million dollars to the fund and have had nothing, so it would not be absurd if we did hope to get something after a while.

Mr. MONDELL. Not at all; the gentleman will have just as much in Oklahoma, and there will be just as much in the reclamation fund without regard to whether this bill passes or not, because the moneys received from the sale of town lots are a credit to the people of the community, and all there is in this bill is the proposition whether you shall give it to all the people in the community in the towns and country or shall you give to the people of the country alone the benefit. That is all there is in the legislation.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FERRIS. Mr. Chairman— [Cries of "Regular order!"] I wish to oppose the amendment of the gentleman from Wyoming.

Mr. MANN. Agree to it.

Mr. FERRIS. Not at all. I do not intend to agree at any time, now or in the future, to vote for any provision in any law in this House anywhere that will take any part of the reclamation fund out and divert it for any other purpose. Now, we did not issue \$20,000,000 of bonds a year or two ago for the purpose of letting Tom, Dick, and Harry build bridges and schoolhouses and build waterworks and local plants for local communities, so that the money would never come back into this fund—

Mr. MANN. Will the gentleman yield for a question?

Mr. FERRIS. I will.

Mr. MANN. In the Indian bills which we have passed, which come from the gentleman's committee, which proposed to use 20 per cent of the sale of town lots where towns are laid out in the Indian reservations, for local improvements, does the gentleman consider that is robbing the Indians of that much, or that it comes back in the increased sale of the lots?

Mr. FERRIS. The gentleman's question is entirely pertinent, and the committee has considered precisely that phase of it to which the gentleman referred, and the theory of the committee has been this, that by giving 20 per cent to the local community it would encourage the people to bid a larger amount for the lots, so that in the last analysis perhaps the Indians would not lose anything, but let me call attention to the difference in this case. These town lots have already been sold—

Mr. MARTIN of South Dakota. Oh, no; a very small proportion.

Mr. FERRIS. What per cent?

Mr. MARTIN of South Dakota. Not over 2 per cent of the lots have been sold under the entire project.

Mr. FERRIS. They have already been appraised, have they not?

Mr. MARTIN of South Dakota. A very limited appraisement so far.

Mr. FERRIS. They are almost all appraised or the prices fixed. This appraisement, of course, was made not knowing of any such provision, hence in the face of this legislation it would be an unwise appraisement and really would not represent the value of the lots.

Mr. MARTIN of South Dakota. Only in 10 towns out of 30 have lots been sold at all.

Mr. FERRIS. May I inquire of the gentleman how many will be sold by competitive bid and how many will be sold at a fixed price?

Mr. MARTIN of South Dakota. They are all sold upon the condition that they must bring as much as the appraisement. They are all sold upon competitive bid, and the minimum must be the appraised value. They can not be sold for less.

Mr. FERRIS. I am asking purely as a matter of information. Is it or is it not the fact that these town sites on a reclamation project are sold to the highest bidder as we do anything else?

Mr. MARTIN of South Dakota. Yes.

Mr. FERRIS. And that is true in every case?

Mr. MARTIN of South Dakota. Absolutely.

Mr. MANN. I will say to the gentleman that statement was made here and not contradicted before. The lots that were sold were sold by competitive bids. That was the statement made here the other day that that was the policy of the department.

Mr. FERRIS. Does not the gentleman think, so far as the lots that have already been sold, the theory of getting the bidders to bid more by reason of local improvements that are being constructed would be inoperative so far as those lots that are sold are concerned?

Mr. MANN. If the gentleman had happened to have heard the remarks I made on this subject the other day—

Mr. FERRIS. I regret no little I did not hear them—

Mr. MANN (continuing). I called attention to that very thing.

Mr. MARTIN of South Dakota. Will the gentleman permit me?

Mr. FERRIS. I have only a moment's time—go ahead.

Mr. MARTIN of South Dakota. The gentleman unfortunately was not here when the debate was on. As to the town of Newell the sales were made under representations that the money would be used for betterments, and the lands brought something like \$2,000 an acre under those circumstances.

Mr. FERRIS. Who had the right to make those representations?

Mr. MARTIN of South Dakota. They did that through some authorization—

The CHAIRMAN. The time of the gentleman has expired. Mr. FERRIS. If I can proceed for five minutes more—I did not get the use of any of this time.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FERRIS. I again repeat that I am opposed to the use of one penny of this money for any local purpose at any time or at any place, but if any amendment should be adopted at all—which, in my judgment, would be wrong—it ought not to exceed 20 per cent. There is no theory by which you can take more than that, and the theory is quite a poor one to take 20 per cent of it. I again repeat that the act of 1892, the reclamation act, was express in its terms that every cent of that money should be paid back to the Federal Government to build other reclamation projects. It is a revolving fund and no one ought to consent to let one cent of it get entirely away.

Let me call your attention to the inequality of such a proceeding as this. We will suppose Wyoming has four million to her credit and Oklahoma has six and one-half million dollars; even these large amounts will not irrigate scarcely any per cent at all of the lands to be irrigated in those States. What is the result? We irrigate for Mr. A to-day. Why? Because on the theory that on to-morrow he will pay back every penny, and we will irrigate for B to-morrow, and we will irrigate for him on the theory that he will pay back this fund, and we can irrigate for C. But if you begin to allow this fund to be used for public improvements—for schoolhouses, jails, paved streets, and to dig sanitary sewers—in a short time you will have a few people who have had their lands irrigated and you will have millions of acres of homesteaders' lands that can have no irrigation and who can raise nothing without irrigation. This will be a condition that no one will cherish, that all will be sorry for.

Mr. PADGETT. And what about the repayment of the bonds that are issued?

Mr. FERRIS. And the Federal Government will necessarily hold the sack on the \$20,000,000 that is issued. I hope the amendment of the gentleman from Illinois [Mr. MANN] will be voted down.

Mr. MONDELL. Mr. Chairman, the gentleman from Oklahoma [Mr. FERRIS] is basing his opposition to this legislation entirely on a misunderstanding of fact. He is opposed to it because he fancies in some way the passage of this legislation will decrease or shorten the amount of the reclamation fund, when, as a matter of fact, it can have no such effect. The funds from the proceeds of these town lots now go to the project as a credit, and all that is proposed in this bill is to give a part of the credit to the people who live in the towns and a part to the people in the country. It does not shorten the reclamation fund one penny.

The gentleman from Oklahoma endeavors to draw an analogy between these towns and the Indian towns. In that case the Indian is the proprietor. He owns the land. The money is his. We take from him by main force 20 per cent of it and use it for the improvement of the town.

In the case before us these moneys are the property of the people of the community, and the question simply is whether we shall divide it equally in the community or unequally, as at present, and there can be no parallel drawn between these town sites and the town sites on Indian reservations. If it is proper to take from the Indian proprietor, without giving him any direct return, 20 per cent of that which is his, on the theory that you may increase the value of the balance, it is certainly proper that these funds which belong to all the people, their credit on the project, shall be equitably distributed—one-half to those living in the towns, who must support largely the schools for the entire surrounding territory, and one-half to the farmer in the surrounding region.

Mr. FERRIS. How can the gentleman advocate a theory that will not use the same discretion and the same judgment and the same economy for the Federal Government that is used for the Indian?

Mr. MONDELL. Again the gentleman falls into the slough that we are trying to pull him out of. The Federal Government has not any interest in these moneys. No part of them now belong to the Federal Government. It is a credit to the people in the project.

Mr. GARNER. Why on earth do you have to come to Congress to get permission to do this?

Mr. MONDELL. Again, another Texas gentleman falls into a pit-hole of error.

Mr. GARNER. From what I can understand from the gentleman from Wyoming, he is in that pit and he can not see anything else but that everybody else is in the same pit.

Mr. MONDELL. We have the gentleman's colleague [Mr. SMITH of Texas] now opposing the bill on diametrically different grounds from those on which he started to oppose it. We have gotten that far along, and we will have the same from the other gentleman from Texas [Mr. GARNER] if he will give us time. It is a good thing to know about the facts in a case before arguing.

Mr. SMITH of Texas. You say that this money arising from the sale of town lots belongs to the people of the community?

Mr. MONDELL. It goes to the project owners as a credit; yes.

Mr. SMITH of Texas. Every dollar of it goes back to the Federal Government, and the Federal Government is the ultimate owner of it.

Mr. MONDELL. Oh, yes; the gentleman now rings on us—

Mr. SMITH of Texas. And the gentleman proposes to divert it to a purpose where it will stay and never come back to the Government.

Mr. MONDELL. The gentleman rings on us the physical fact that the Government does have the dollars, and that the dollars as a physical fact might go into the United States Treasury. But as a legal fact, as a real proposition, no part of it now belongs to the Federal Government. It is the property of the people of the locality, and the only question before the House is how you will divide it among the people of the locality.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FERRIS. If the gentleman is right in his theory—

Mr. MONDELL. It is no theory; it is a fact. The gentleman from Texas [Mr. SMITH] admitted it this morning, after denying it the other evening.

Mr. SMITH of Texas. I did not admit any such thing.

Mr. FERRIS. The gentleman from Wyoming has asserted here, with all the force that he has, that the Federal Government has no interest in this fund at all. I ask the gentleman why the Federal Government has no interest in this, when in 1910 it was necessary to issue \$20,000,000 in bonds to take up the various blunders of the Reclamation Service?

Mr. MONDELL. I do not see what the point of the gentleman's statement is.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. How does the Government get their bonds?

Mr. MANN. Mr. Chairman, I ask for a vote.

Mr. RAKER. Mr. Chairman, I would like to be heard a moment or two on this.

Mr. MANN. I will withdraw my request, Mr. Chairman.

Mr. RAKER. I believe that the committee ought to have the facts on which to base an argument. In other words, the gentleman from Wyoming [Mr. MONDELL], in speaking now upon the facts, ought to have some premises upon which to act. Now, the argument of the gentleman from Wyoming is not based upon the facts or upon the law as they actually exist. I want to read to the committee the law governing the disposition of the funds in these town sites. It says the funds are converted into the reclamation fund. The reclamation fund is all the money that is obtained from the sale of public lands. The bond issue of \$20,000,000 and the payment of the money that is obtained from the settlers for their lands, and the water rights when they pay it back to the Government, all goes in under the reclamation fund. The gentleman from Wyoming says—

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. RAKER. In a moment. The gentleman from Wyoming says that the proceeds from the sale of these town lots do not go into the reclamation fund. That is not the fact. That is not the law. It is not practiced that way. It could not be practiced that way, because it is in direct contravention of the statute. I want to read it to you. In the act approved April 16, 1910 (34 Stat., 116), occurs this provision:

Reclamation funds may be used to defray the necessary expenses of appraisal and sale, and the proceeds of such sale shall be covered into the reclamation fund.

In the act approved June 27, 1906 (34 Stat. L., 519), there is this provision:

And the proceeds of all sales of town sites shall be covered into the reclamation fund.

Now, turning to the report of the committee as to the money, we find from their own report that \$219,793.55 from the sale of town lots has been conveyed into the reclamation fund. That money is in the general reclamation fund to-day, and the purpose of this bill to-day is to reach into this sacred fund and draw out over \$110,000 and divert it from the purpose of reclaiming the arid lands and putting it into local town sites for city jails and for other improvements and other purposes. [Applause.]

I want to say to the Members of this House that the very object and purpose of the Congress and the people in maintain-

ing this reclamation act is to see to it that the money that goes into this trust fund shall be used for the maintenance of the Reclamation Service and shall be kept a sacred fund to be expended for those purposes and all matters incident thereto and the works and improvements and repairs occasioned thereby and that as the money comes back it shall be again used for those purposes. The argument of the gentleman from Wyoming is based upon wrong premises and upon a wrong theory, and therefore his argument of necessity must fall.

Mr. MANN. I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was rejected.

Mr. FERRIS. The question now recurs on my amendment.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Oklahoma.

Mr. MARTIN of South Dakota. Mr. Chairman, let the amendment be reported again.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Amend, page 2, line 12, by striking out the words "one half" and inserting in lieu thereof "5 per cent."

Mr. MARTIN of South Dakota. Mr. Chairman, it is perfectly evident that this amendment of the gentleman from Oklahoma—who I am sorry has not had the benefit of the entire argument in this case, but has jumped into it with the vehemence, the enthusiasm, and the energy with which he devotes himself to all public questions—is simply an effort to kill the bill. The gentleman from Oklahoma is a distinguished member of the Committee on Indian Affairs. Therefore the gentleman knows that as to Indian town sites, although the Indian has no interest in the sale of the lots further than to get good prices for them, and where the Government is the trustee of a sacred trust, to wit, the Indian funds, it has been the habit of Congress, on the recommendation of the Committee on Indian Affairs, to devote 20 per cent of the proceeds of the sale of town lots on Indian town sites to general improvements and betterments. That is taking money from the Indians to improve the town under the idea that eventually it will come back in higher prices for the lots, and I think that idea is justified. But the position of the gentleman from Oklahoma in seeking to defeat this bill is inconsistent. This is proposed to be done for the benefit of all parties interested, the farmers in the neighborhood of the town, and the people in the town who buy the lots.

These gentlemen who are opposing this bill have become very much interested and have rushed loudly to the defense of this fund because they say it is taking something from the farmers on the outside of these towns. They seem to forget entirely that if this town site was not there, and if this land was not laid out into town lots, no money would come into the reclamation fund either locally or generally. Any homesteader could take his share of the 640 acres as a homestead and nothing whatever would come into the reclamation fund.

Mr. RAKER. Could not the same argument be made in a case where you expend a large sum of money to develop a water power that is worth millions of dollars?

Mr. MARTIN of South Dakota. The cases are not parallel at all. Here is a case of land which could be taken as a homestead, which is reserved for the building of a town, but whatever the settlers get out of it is that much clear gain. There is no parallel between the two cases at all. Certainly this amendment to reduce this appropriation from 50 per cent to 5 per cent is only an effort to kill the bill. The friends of the measure, who defeated the motion to strike out the enacting clause, should for the same reason sustain the bill and defeat this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

The question being taken, on a division (demanded by Mr. FERRIS) there were—ayes 39, noes 62.

Mr. FERRIS. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. FERRIS and Mr. TAYLOR of Colorado.

The committee again divided; and the tellers reported—ayes 40, noes 63.

Accordingly the amendment of Mr. FERRIS was rejected.

Mr. FERRIS. Mr. Chairman, I move to strike out "one-half" and insert "20 per cent"; and I want to be heard just a moment on that amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 12, by striking out "one-half" and inserting "20 per cent."

Mr. MANN. Make it 25 per cent.

Mr. LOBECK. I wish to offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] has the floor.

Mr. FERRIS. Mr. Chairman, it has been suggested—and the proposition undoubtedly has some friends here—that this ought to be 25 per cent instead of 20 per cent. Now, at first blush it looks as though there is not much difference between 25 per cent and 20 per cent, and it may seem to some gentlemen that we ought to make it 25 per cent. There is, however, a well-defined reason why we should not make it 25 per cent, and the difference is greater than the mere difference in percentage.

The facts are these: In the State of Oklahoma, the State of South Dakota, and in other States where there are Indian tribes Indian town sites have been opened, and there is a provision in each bill that 20 per cent of the net proceeds from the sale of town lots shall be used for local improvements. The theory of this sort of legislation has always been that it would induce bidders to bid more for the lots, and I think that has proved to be true.

But if you make this 25 per cent it would be a breach of the rule and a raising of the limit, so to speak, until the next bill that comes in from the Indian Committee will in all probability be 25 per cent instead of 20 per cent. I want to say that I have supported amendments in this House in the past to have 20 per cent of the net proceeds taken from the Indian fund for town-site improvement purposes. That has worked pretty well.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MARTIN of South Dakota. Will the gentleman explain why, if he is in favor of 20 per cent taken from the Indian fund for town-site purposes, he sought in his previous amendment to reduce it to 5 per cent?

Mr. FERRIS. I thought I answered that before, but I am very glad to answer it again. I do not think a penny should be taken from the reclamation fund. I believe 20 per cent is a lack of wisdom and 50 per cent is a lack of a great deal more wisdom, but as there has been an amendment voted down to strike out the enacting clause and the amendment providing for 5 per cent has been voted down, 20 per cent seems to be the best we can get. I think probably 25 per cent would be agreed to, but it cuts deeper than it appears to on the surface, because there will be an effort to raise it in Indian town sites to 25 per cent, and that ought not to be done.

Mr. MANN. Mr. Chairman, this bill provides "that one-half the net proceeds heretofore or hereafter received from the sale of town sites shall be used in the construction, maintenance, and operation," and so forth, of these municipal functions. I had expected to offer an amendment to reduce the percentage and to strike out the word "heretofore" and to cut off the maintenance and operation, so that the bill would only provide that the percentage which would be carried in the bill received from the sale of town sites hereafter sold, which would probably bring a larger price, because of the fact that it could be used for the construction of these improvements for municipal purposes.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. FERRIS. I wondered if the gentleman in his amendment to strike out the word "heretofore," which undoubtedly ought to be done, would agree to have the words inserted "or hereafter sold at competitive bids at public auction," so there would be no chance of letting them go in and appraise the land and divest it of the feature of competition?

Mr. MANN. I think that would be a proper proposition. Of course, I do not know whether such a proposition as I have suggested will prevail in the House, but if that should be done, or something like it, it seems to me we could afford to make the amount 25 per cent. It is true that heretofore the Indian bills that have passed have carried 20 per cent. It is also true after experience in the sale of Indian town sites, it has been stated to the House by gentlemen on both sides acquainted with the facts, that the lots, in fact, were usually sold for more than enough to make up the amount deducted, or at least the amount that was deducted. I think we can afford to pay 25 per cent of the proceeds of the sale of the lots hereafter. To test the sense of the House I move to amend the amendment offered by the gentleman from Oklahoma by making it read, in place of "one-half," "25 per cent of."

The Clerk read as follows:

Amend the amendment by substituting for 20 per cent the words "25 per cent of."

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken; and on a division (demanded by Mr. MANN) there were 39 ayes and 25 noes.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Oklahoma as amended by the gentleman from Illinois.

The amendment as amended was agreed to.

Mr. MANN. Now, Mr. Chairman, I move to amend, page 1, line 3, by striking out the word "heretofore."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 3, by striking out the words "heretofore or."

Mr. MARTIN of South Dakota. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Illinois. So far as the particular town site of Newell is concerned, the Members of the House who did me the honor to hear the remarks I made know the facts involved. The department started out at the beginning with the idea that the original law gave them authority to use all of the fund that would come from the sale of the town lots for the betterment of the town. They later discovered that it was not a correct interpretation of the law; but as to the sale of the town lots in Newell, they were sold on the representation not of an arbitrary amount of 20 or 25 per cent, but that the whole was to be used in the betterment of the town.

I have in my hand here one of the circulars or booklets compiled under the direction of the Reclamation Service, which contains a statement to this effect, and it would amount to nothing less than obtaining money under false pretenses if that money, or a liberal portion of it, is not used in that way. I read from page 9 of this booklet:

A new town, for which a section has been reserved, is to be built by the Government in the center of the irrigated district. The Government will conduct the sale of lots, and with the proceeds streets will be laid out, a sewage system constructed, and every possible measure taken to improve and beautify the city.

That literature went over the United States. It brought people from various States. I know an instance where a man sold out his business in the State of Indiana and came there, relying upon the representations in this circular.

Mr. MADDEN. Why did not the Government authorities use the money as they advertised they would use it?

Mr. MARTIN of South Dakota. They discovered, before they got further along, that it would require a strained, if not an incorrect, interpretation of the town-site law to do it. There is no time to go into a discussion of that mistake now; but that was a mistake on their part.

Mr. WILLIS. Mr. Chairman, what is the document from which the gentleman is reading, and who issued it? Did the Government have anything to do with it?

Mr. MARTIN of South Dakota. Yes. On the front of the booklet is the following:

BELLE FOURCHE IRRIGATION PROJECT, SOUTH DAKOTA.

Information compiled by the United States Reclamation Service, October 1, 1909.

On the back of it it says:

Further information may be obtained by addressing any of the following:

"Project Engineer, United States Reclamation Service, Bellefourche, S. Dak.
"Statistician, United States Reclamation Service, Washington, D. C.
"Information bureau, United States Reclamation Service, 777 Federal Building, Chicago."

Mr. WILLIS. The gentleman states, then, that that was issued with the knowledge, consent, and approval of the Government of the United States?

Mr. MANN. Oh, I am sure the gentleman will decline to state that.

Mr. MARTIN of South Dakota. The Reclamation Service has sought to relieve themselves, not from the responsibility of its issuance, for it evidently was issued, but responsibility for all of its statements. But, as far as the public is concerned, it is a statement that went out, and land right there on the prairie that any homesteader could have taken but for this reservation sold for \$41,000 for less than 10 acres upon those assurances.

Mr. MADDEN. Was anybody ever called to account by any Government official for circulating these false statements as to what disposition would be made of the funds?

Mr. MARTIN of South Dakota. It has never been repudiated. They have expressed regret that it got into that shape.

Mr. BURKE of South Dakota. How much of this town site has actually been sold?

Mr. MARTIN of South Dakota. Out of the 640 acres in all 4 per cent has been sold, and that brought the \$41,000. The balance of it, or 96 per cent, remains still to be sold.

Mr. SMITH of Texas. Mr. Chairman, I want to state to the gentleman that the Reclamation Service wholly repudiates that circular. They say they are not responsible for it, but it was circulated by some railroad company, and they absolutely repudiate any responsibility for it whatever.

Mr. MARTIN of South Dakota. Mr. Chairman, we went into this on general debate, when we had unlimited time, and I read a great deal on the subject from the testimony and otherwise. A succinct and fair statement would be this: The attitude of the Reclamation Service is that they permitted an agent of the service to prepare this literature; that probably their attention was not called specifically to this statement, separate from others, until it was in fact public, but they did know of its publication very soon after it was issued.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for one minute?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FERRIS. Does the gentleman think the Federal Government ought to be bound by circulars or advertisements placed in newspapers by railroads and boomers?

Mr. MARTIN of South Dakota. It is not placed in newspapers by boomers or others.

Mr. FERRIS. What is the document?

Mr. MARTIN of South Dakota. It is a reclamation document.

Mr. FERRIS. The chairman of the committee says that a department came to his committee and repudiated the document.

Mr. MARTIN of South Dakota. Mr. Chairman, I will ask for four minutes more in which to complete my statement.

Mr. CANNON. Will the gentleman yield for a question?

Mr. MARTIN of South Dakota. Certainly.

Mr. CANNON. Is it true, however, that these 10 acres were sold for the \$40,000, and that there has been nothing sold since that time, and that the money goes into the fund?

Mr. MARTIN of South Dakota. Absolutely true.

Mr. CANNON. Well, it seems to me that settles it.

Mr. FERRIS. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. MARTIN of South Dakota. Mr. Chairman, I ask for four minutes more in order that we may have a correct understanding of this subject.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to proceed for four minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, then I ask unanimous consent that all debate on this amendment may close in six minutes.

Mr. LEWIS. I object.

Mr. FERRIS. Mr. Chairman, I do not know what the gentleman reads from or what he has in his hand, but whatever the facts may be or whatever representations were made to them, they did it in the face of the reclamation act, which reads as follows on page 15 of the act:

And the proceeds of all sales of town sites shall be covered into the reclamation fund.

Now, whatever the gentleman may read from or whatever may have been represented to the settlers through the newspapers, you can not bind the Federal Government by it.

Mr. MARTIN of South Dakota. If the gentleman will read the whole act, he will see that in the act of 1906 there was certain implied authority given to the Secretary of the Interior as to reclamation improvements. It is very vague and there is no time to debate that here, but this is the fact: A field representative of the Reclamation Service, with the knowledge of the service, prepared this booklet.

I do not know what the fact was, whether or not the chief of the service here in Washington saw the booklet before it was prepared or not, but that it was prepared under the knowledge and direction of authority there can be no doubt. It was later discovered that that was an unfortunate statement, but the mischief had been done and this literature had gone out to the country. I have a telegram from the Newell Commercial Club of date of January 14, 1913, in which they say this:

Booklet relative to Belle Fourche project was distributed here entirely by Reclamation Service and not by railroad. Distributed all over the country by thousands by Reclamation Service.

Mr. MANN. Will the gentleman yield for a question?

Mr. MARTIN of South Dakota. Certainly.

Mr. MANN. Does the gentleman think even if there be a particular case where there is a hardship that is the reason for

providing by a law that will cover 32 projects, a permanent law—

Mr. MARTIN of South Dakota. The gentleman will notice that of the thirty-two odd towns but a very small proportion have been sold. Two towns in Idaho brought \$135,000; six towns in Montana only \$23,000; the single town of Newell, S. Dak., project, brought \$41,103, and the Wyoming project only \$17,000. Now, probably 98 per cent of all those lands remain to be sold, and by doing justice to those we are not in any way harming anybody. In my State a prominent citizen of the State capital of Pierre is under prosecution by the Federal authorities and is now facing a judgment and decree and a sentence to the Government penitentiary, based upon the charge of selling lots by representing through literature that a street railway ran across some suburban lots, an addition, when it was not there. He was prosecuted and convicted of making those false representations, and he is facing a penitentiary punishment to-day. Here is an instance of a Government project in which it must make its representation good or the citizens of my State and your State have given up their money under false pretenses.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that all debate on this amendment shall close in 10 minutes.

Mr. LEWIS. I want time.

Mr. MANN. The gentleman from Maryland [Mr. LEWIS] to have five minutes, and the gentleman from Wyoming to have five minutes.

Mr. FERRIS. Mr. Chairman, I think the gentleman had better not do that. I want to make some remarks myself.

Mr. MANN. We have spent two Wednesdays on this bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on this amendment shall close in 10 minutes.

Mr. FERRIS. I think I shall have to object to that.

Mr. MANN. I move that the debate on the pending amendment be closed in 10 minutes. How much time does the gentleman from Oklahoma want?

Mr. FERRIS. I do not know how much I may want.

Mr. MANN. Two minutes will do, will it not? I am not asking any time. Mr. Chairman, I ask unanimous consent that debate on the amendment close in 11 minutes, 5 minutes to be given to the gentleman from Maryland [Mr. LEWIS], 3 minutes to the gentleman from Oklahoma [Mr. FERRIS], and 3 minutes to the gentleman from Wyoming [Mr. MONDELL]. I will do without any time myself.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the debate on the pending amendment close in 11 minutes, 5 minutes of the time to be given to the gentleman from Maryland [Mr. LEWIS], 3 minutes to the gentleman from Wyoming [Mr. MONDELL], and 3 minutes to the gentleman from Oklahoma [Mr. FERRIS]. Is there objection? [After a pause.] The Chair hears none.

Mr. LEWIS. Mr. Chairman, I can not speak on this subject with authority. I merely rise to suggest the state of facts presented to the House, if I understand that state of facts.

The first fact is that these public lands belong to the whole people of this country, and their benefits and advantages should be distributed as far as practicable to the whole people of the country. Taking the disposition of these lands up with that end in view, I understand irrigation legislation has been passed under the terms of which Congress first supplies the capital for the irrigation project and then fixes upon the lands that are profited by irrigation a system of liens to the extent of the benefits that accrue. In determining that disposition of the public lands Congress was doubtless influenced by the fact that agriculture is the mainstay of the Nation, and that any policy that would improve the agriculture of the Nation would result in a profit to all. Accordingly I am advised that when town lots are sold, town values themselves being results of irrigation values and the irrigation policy, the law provides that the product of the sale of town lots shall be applied to the reduction of this lien indebtedness of the irrigation farmer. That is, to the extent the project is successful in creating land values which the Government sells, those values shall be applied to lightening the burdens of the farmer in reducing his liens and thus further promoting the spirit and success of agriculture in the country. That may be called a subsidy to farming and to improve farming, but it is a subsidy that perhaps the majority of the people of the country would sustain at any time.

Now, it is proposed, however, that the subsidy given to the irrigation farmer shall be half taken away from the farmer and handed over to the real-estate owner of the town. Now, I want to say in this presence if there is one citizen, if there is one proprietary interest under the sun that should be the last

to be subsidized by the Government it is the landowner in a town or city. What is he now? He is an idler upon the face of the earth. His land he leaves vacant—a garden of dirt and weeds—while his industrious fellow citizens build a town around him and make his land valuable. This measure proposes to further subsidize an owner like that. It proposes to subsidize him in the measure it may reduce his burden of supporting the schools of his town, paying for the sewers of his town and those other common municipal conveniences in the way of public utilities. I do not think this country would sustain as a public policy the taking away of half of the aid now granted to this irrigation farmer and handing it over to the speculator in town values in any part of the Republic, and it is in order to have this statement of facts before the House, if it be a correct statement of facts—and I think it is—that I have made in this brief address. [Applause.]

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] is recognized for three minutes.

Mr. MONDELL. Mr. Chairman, how unfortunate it is that the opponents of this measure can not agree as to the facts. The gentleman from Texas [Mr. SMITH] and the gentleman from California [Mr. RAKER] still insist that these are not credits to the reclamation project, although they can find out their error by inquiring at the reclamation office. The gentleman from Maryland [Mr. LEWIS], however, who always goes to the foundation of things in a way, has learned the truth, and he is opposing it for an entirely different reason than that given by the gentleman from Texas and the gentleman from California, and based upon an entirely different statement of facts.

The gentleman from Maryland [Mr. LEWIS] is correct as to facts. He says, however, that none of the benefits should go to the people in the towns. We believe that what is proposed in this bill would be fair, equitable, and just, because the people of the town furnish much of the school facilities for the people of the surrounding region, and they are as much entitled to some of the benefits of the increase of values as the farmers, some of whom live 30 to 40 miles away, and who have little to do with increasing the values in the town.

The sum has been reduced by an amendment to 25 per cent. It is now proposed still further to reduce it by having the bill apply only to future receipts. Why, in the case of the town site of Newell the town lots were sold with the understanding that all the money was to be used, and while that representation was not made to the same extent or in the same way in my State, yet there was a general understanding when the people bought these lots at a high price out there on the raw, bald prairie that they were to get back some of the high prices they were paying for the improvement of the town; and if they shall have no aid now until more town lots shall have been sold, the Lord only knows when they are to receive any benefits, because the lots have been sold quite recently up to the present necessities of the town, and possibly up to the necessities of the town for two or three or four years to come, and now those people who paid high prices, with the understanding that a part of the money was to be used for the improvement of the town, would be robbed of the benefits to which they are entitled and of which they will be deprived for years to come.

Mr. FERRIS. Mr. Chairman, I rise to advocate the adoption of the amendment by the gentleman from Illinois [Mr. MANN], which, in effect, keeps this bill from applying to town-lot sales that have already been made, where the money has already been covered into the Treasury.

If the gentleman's amendment is not adopted, they will not only receive 25 per cent on what they sell in the future but also on what has been sold in the past, so that I think the amendment of the gentleman from Illinois is fair and should be adopted.

The only reason why this legislation was ever adopted for the Indian tribes was to stimulate bidding. In the town where I live they sold an addition to the town where 20 per cent went to the people for improvements and the auctioneer, in auctioning off the lots, would say, "Eighty dollars for the Indian and \$20 for the people of Lawton; \$4 for the Indians and \$1 for the people of Lawton." In that way they really did some good and made the lots bring a larger sum than they would otherwise have brought. But if the amendment of the gentleman from Illinois is not adopted, there will be no way of stimulating bids and getting a larger price for the land and it will be, in a way, the taking out of the Treasury and out of the reclamation fund moneys that have already been placed there. I think the gentleman from Maryland [Mr. LEWIS] suggests that it will be taking money from the farmer that we agreed to leave with him, and I believe that is true also. I did not, however, deal with that phase of it?

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. MARTIN of South Dakota. A division, Mr. Chairman.

Mr. MONDELL. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 49, noes 24.

So the amendment was agreed to.

Mr. LOBECK. Mr. Chairman, I understand that the amendment offered to make this amount 25 per cent instead of one-half applies on page 2, line 12.

The CHAIRMAN. The gentleman is correct.

Mr. LOBECK. An amendment should also be made in line 3 of page 1, so as to make it read "25 per cent of" instead of "one-half." I move that the words "25 per cent of" be inserted in line 3, page 1, in lieu of the words "one-half."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Nebraska [Mr. LOBECK].

The Clerk read as follows:

On page 1, line 3, strike out the words "one-half" and insert in lieu thereof the words "25 per cent of."

Mr. LOBECK. Mr. Chairman, I move the adoption of the amendment.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Nebraska.

The amendment was agreed to.

Mr. FERRIS. Mr. Chairman, I move to amend line 4, after the word "lots," by inserting the words "sold at public auction."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

The Clerk read as follows:

Amend. page 1, line 4, by inserting after the word "lots" the words "sold at public auction."

Mr. FERRIS. Mr. Chairman, I think the necessity for that amendment will be apparent to all from the debate that we have just had on the subject. If these lots are to be sold by appraisalment, there can be no reason on earth why the local citizens should have part of the funds derived from the sale; but if they are to be sold at public auction, then a part of the funds will go to the local community, and it will stimulate the bidding. I hope the amendment may be adopted.

Mr. MONDELL. Does the gentleman understand that under the provisions of the present law these town lots are all appraised and then sold at public auction, provided they bring more than the appraised price? If they do not bring more than the appraised price, they are not sold at all. Now, if the gentleman's amendment has any effect at all it will provide for the sale of the lots, even if they do not bring more than \$1 apiece.

Mr. FERRIS. Not at all. This would not repeal the present law.

Mr. MONDELL. If it did not, what purpose will it serve?

Mr. FERRIS. It is not compulsory that any of the lots shall be sold.

Mr. MONDELL. That is exactly the effect of the gentleman's amendment as to lots that are ordered, although I do not think he meant that.

Mr. FERRIS. I do not think it has that effect at all. On the contrary, the department has the power to offer the lots in the same way that it is now necessary to offer them. The fact that there is an appraisalment merely limits the minimum price at which the land can be sold, and it is up to the department to get all they can for the lots. If a lot does not bring the appraised price, it is turned back and held by the Federal Government. No harm is done. If the lots bring the appraisalment or more, they are sold, and the local community gets 25 per cent of the amount received. There can not be anything in the argument of the gentleman. This provision repeals nothing. It only makes that portion of the law apply where the lots are sold at public auction, and it ought not to apply elsewhere.

Mr. MONDELL. Mr. Chairman, the present town-site law as carried out by the department provides for the sale of these lots at public auction at an appraised minimum price. The result is that unless the lots bring a fair price they are not sold at all.

Mr. FERRIS. That is true.

Mr. MONDELL. The effect of the gentleman's amendment would be to have the lots sold at any price that they would bring, because he does not provide in his amendment for a minimum price.

Mr. FERRIS. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. FERRIS. You can not sell them now unless you get the appraised price, can you?

Mr. MONDELL. No; but under the gentleman's amendment they will be sold at whatever price is offered, because the gen-

tleman provides for their sale at auction without any other limitation.

Mr. FERRIS. Not at all.

Mr. MONDELL. The necessary interpretation of that is that they shall be sold at auction. If they are offered, they must be sold at any old price.

Mr. FERRIS. The gentleman is entirely in error. From my practical experience all over my State in the last 20 years, during a part of which time it was a Territory, I can say that they have sold lots at public auction after they have been appraised, and if a lot did not bring the appraisement it was turned back and retained by the Government; but if it brought the appraisement or more, then the lot was sold; and they almost always bring more than the appraisement.

Mr. MONDELL. If that is the gentleman's theory—

Mr. FERRIS. That is the fact.

Mr. MONDELL. If that is the gentleman's theory in regard to his amendment, then it is absolutely unnecessary, because that is what is done under the town-site law now. It is not amended in this particular by this act. The town lots are appraised and sold at auction at what they will bring above the appraised price, and if they do not bring more than the appraised price they are not sold at all, whereas under the gentleman's amendment any lot offered would have to be sold at whatever price it would bring.

Mr. FERRIS. Not at all.

Mr. MONDELL. This is simply an effort to give speculators a chance to buy lots at whatever they may bring, and if the Secretary of the Interior should be unwise enough to offer all of these town sites at one time speculators would come in and buy up a whole town site for a mere song.

Mr. FERRIS. I do not want to be contentious, but does the gentleman think my amendment repeals that appraisement law?

Mr. MONDELL. If it does not repeal it, then it is without any force or effect and is senseless.

Mr. FERRIS. Oh, not at all. The gentleman is in error worse than I ever knew him to be before.

Mr. MONDELL. The amendment has no force, and therefore there is no rhyme or reason in it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

The amendment was agreed to.

Mr. MARTIN of South Dakota. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Dakota.

The Clerk read as follows:

Amend. after line 15, page 2, by inserting the following proviso: "Provided, That one-half of the proceeds received from sales heretofore made of lots in the Newell town site in South Dakota shall be reserved, set aside, and appropriated as a portion of the reclamation town-site fund of the said town."

Mr. FERRIS. Mr. Chairman, I make the point of order that that identical proposition has been voted on; that it was involved in the same town-site proposition along with others.

The CHAIRMAN. The Chair is inclined to think that the amendment is in order and will overrule the point of order.

Mr. MARTIN of South Dakota. Mr. Chairman, as I have already reminded the committee, I know nothing of other town-site sales, but justice can not be done to the people who have been induced to purchase town-site lots and made purchases without an amendment of this kind, and in this case only half justice will be done. I will read again the representations upon which these town-site lots were sold, or, rather, misrepresentations:

The Government will conduct the sale of lots and with the proceeds streets will be laid out, a sewage system constructed, and other means usually taken to improve and beautify the city.

It is not represented that a portion of the proceeds will be taken, but all the proceeds. I may say that when this idea of using the town-site fund for the betterment and improvement was first broached it was for a time considered that all the proceeds of the sales should be used for the betterment and improvement of the town. It seems to me that in general legislation, these facts being before Congress, it will save the necessity of special bills being brought in to incorporate that proviso in this bill.

Mr. SMITH of Texas. Will the gentleman yield?

Mr. MARTIN of South Dakota. Certainly.

Mr. SMITH of Texas. The gentleman says that it was supposed that the Reclamation Service had the power to make these improvements some time ago. Will the gentleman refer me to any law from which any such inference could be drawn?

Mr. MARTIN of South Dakota. I think it was a strained interpretation, but if the gentleman will look at one of the sections in the original law of 1906 he will find where it authorizes

the Secretary of the Interior to take certain steps toward a water system for the town.

Mr. SMITH of Texas. The sale of water rights?

Mr. MARTIN of South Dakota. No; to provide water rights for the town and, I suppose, get remuneration; but, as I say, the interpretation was not justified, as I have said many times. It seems to me that we ought at least to do half justice to these people who have paid fabulous prices for their lots on the representation that the whole of this fund was to go to the improvement of the municipality, and who were induced not only to purchase, but to put the rest of their little accumulations into the stores and buildings to improve and make the town. We would be doing scant justice if we made good the representations to the extent of dividing the money already received for that purpose. It is no justice to these people who gave their money and paid such high prices to tell them if any more lots are sold 25 per cent will be used for the betterment and improvement of the city.

Mr. GARRETT. Will the gentleman yield?

Mr. MARTIN of South Dakota. Yes.

Mr. GARRETT. Who made these representations to which the gentleman alludes?

Mr. MARTIN of South Dakota. Mr. Chairman, this is getting to be a good deal like the puzzle of "How old is Ann?" Every time a new gentleman comes into the Chamber we have to go all over the story again. I know that the gentleman from Tennessee has been otherwise engaged in important public business. The representations were prepared under the authority of the Reclamation Service, by a field representative in its employ, and at a salary, in the city of Chicago. The expense of printing these circulars was paid by the railroad company, although there is nothing on the document to show that the railroad company was interested in it. The distribution was under the direction of the Reclamation Service.

Mr. GARRETT. I have understood it was made in some such way, but has not the Reclamation Service denied any responsibility for it?

Mr. MARTIN of South Dakota. No; they have denied nothing that I have stated. "The Reclamation Service" is a broad statement. If the gentleman means the Director of the service personally, his statement is that he was not aware that all of the statements were put in there, and that probably is true, but that the man was authorized to prepare the literature as an agent of the department no one disputes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The question was taken; and on a division (demanded by Mr. MARTIN of South Dakota) there were 30 ayes and 47 noes.

So the amendment was rejected.

Mr. LOBECK. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend. line 12, page 2, by striking out the word "heretofore" and inserting in lieu thereof the word "hereafter."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

Mr. MANN. Mr. Chairman, a short time ago there was an amendment adopted to line 12, on page 2. I am under the impression that that entire paragraph ought to be stricken out of the bill. I would ask the gentleman from South Dakota [Mr. MARTIN] to give me his attention. Ought not the last sentence of the first section of the bill, beginning with the word "and," in line 11, on page 2, to be stricken out? It relates only to proceeds heretofore received. Does not the other part of the bill provide that proceeds hereafter received shall go into the reclamation town-site fund?

Mr. MARTIN of South Dakota. Mr. Chairman, the previous part of this section provides that.

Mr. MANN. That is what I thought. The gentleman from Nebraska [Mr. LOBECK] has now offered an amendment to strike out "heretofore," in line 12, page 2, and insert "hereafter." That paragraph, as I understand it, only related to funds heretofore received.

Mr. MARTIN of South Dakota. That is right.

Mr. MANN. And it is not necessary to change it. The whole paragraph ought to go out.

Mr. BURKE of South Dakota. Was there an amendment adopted to line 3, on page 1, of the bill?

Mr. MANN. There was.

Mr. BURKE of South Dakota. Then the gentleman is correct.

Mr. MANN. Mr. Chairman, I hope the gentleman from Nebraska will withdraw his amendment and move to strike out that whole sentence.

Mr. LOBECK. Mr. Chairman, I ask unanimous consent to withdraw my amendment and offer the amendment suggested by the gentleman from Illinois.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment now offered by the gentleman from Nebraska.

The Clerk read as follows:

Page 2, beginning with line 12 and running to the end of the paragraph, strike out the following:

"And the aforesaid one-half of the net proceeds heretofore received from such sales shall be forthwith transferred from the reclamation fund to the reclamation town-site fund, hereby created."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, the committee amendment, in line 3, page 1, was agreed to before the word "heretofore" was stricken out. I ask unanimous consent to change that amendment so as to leave out of it the word "or."

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the amendment included the word "or."

Mr. MANN. The amendment, as a matter of fact, did not include it. It would not have been in order to include it.

The CHAIRMAN. The Clerk informs the Chair that that is the case.

Mr. MANN. The words "or hereafter" were inserted. Has the Clerk got the word "or" in or out?

The CHAIRMAN. The word "or" is out.

Mr. MANN. Mr. Chairman, I move to amend, in line 7, page 2, by striking out the words "maintenance and operation."

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Illinois.

The Clerk read as follows:

Page 2, line 7, strike out the words "maintenance and operation."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. That the Secretary of the Interior may, in his discretion, from time to time, expend, or cause to be expended, from said reclamation town-site fund, for the construction, maintenance, and operation of schoolhouses, water, and sewer systems, and other municipal improvements in each of such town sites a sum not greater than one-half the net proceeds theretofore received from such sales of lots therein plus one-half the estimated net proceeds to be thereafter received from such sales. The buildings and works so constructed may, in the discretion of the Secretary of the Interior, be operated and maintained by him or under his authority, and the expense thereof paid from the reclamation town-site fund, pending the organization of a municipal corporation or corporations qualified to operate and maintain the same, and upon the organization of such municipal corporation or corporations the Secretary of the Interior may transfer to such corporation or corporations the said buildings or works, or both, as the case may be, and the lands or easements necessary to their use, and thereafter said Secretary shall be free of all duty or responsibility with respect thereto: *Provided*, That whenever the said buildings, works, lands, easements, or any part thereof, shall cease to be used by such corporation or corporations exclusively for the purposes for which they were respectively transferred, the ownership and control thereof shall revert to the United States: *And provided further*, That in no case shall the operation and maintenance of such buildings and works by or under the authority of the Secretary of the Interior be continued for a longer period than five years after the construction thereof.

The following committee amendments were severally reported by the Clerk and severally agreed to:

Page 2, line 20, insert the word "light" at the beginning of the line, and after the word "other" insert the words "school and."

Page 2, lines 23 and 24, strike out the words "plus one-half the estimated net proceeds to be thereafter received from such sales."

Page 3, line 4, strike out the word "corporations" and insert the words "school district."

Page 3, line 6, strike out the word "corporations" and insert the words "school district."

Page 3, line 8, strike out the word "corporations" and insert the words "school district."

Page 3, in lines 12, 13, 14, 15, 16, and 17, strike out "That whenever the said buildings, works, lands, easements, or any part thereof, shall cease to be used by such corporation or corporations exclusively for the purposes for which they were respectively transferred, the ownership and control thereof shall revert to the United States: *And provided further*."

Page 3, line 20, strike out the word "five" and insert the word "two," and strike out the words "construction thereof" and insert the words "organization of a municipal corporation or school district as aforesaid."

Mr. FERRIS. Mr. Chairman, I move to strike out, in line 19, page 2, the words "maintenance and operation." I do that for the purpose of saying that the whole paragraph ought to be stricken out and the whole bill ought to be referred to the committee from whence it came. Section 2 goes on the theory of the granting to a corporation or corporations for school districts, and the whole paragraph relates to maintenance and operation, which has been stricken out in the first section of the bill.

Mr. MANN. The gentleman is not quite correct.

Mr. FERRIS. Almost. I may not be quite correct, but in five or six distinct places the section refers to maintenance and operation.

Mr. MANN. The gentleman and I can at least understand each other. The gentleman proposes to strike out "maintenance

and operation" there. I think it ought to go out, but that is the only authority contained in the bill for the construction of plants. Then, if the gentleman will move to strike out all of the section after the word "the," in line 24, it will cover what he has in his mind. It is very easy to cover it.

Mr. FERRIS. The suggestion of the gentleman is, beginning with the word "the," in line 24, to strike out the remaining paragraph, and then in line 19 to strike out the words "maintenance and operation."

Mr. MANN. And in line 22, change one-half to 25 per cent.

Mr. FERRIS. What condition will the paragraph be in then?

Mr. MANN. That will authorize the Secretary to construct these municipal improvements.

Mr. FERRIS. Does not he have that power granted him by the first paragraph?

Mr. MANN. No; the first section provides for reserving the fund, 25 per cent, and covering into the town-site reclamation fund.

Mr. FERRIS. But I call the gentleman's attention to the language in line 6, which reads like this: "To be used in the construction," and so forth.

Mr. MANN. True; but this will authorize him to construct in his discretion these municipal improvements, which I think is necessary to have in the bill.

Mr. GARNER. Will the gentleman yield?

Mr. MANN. The gentleman from Oklahoma has the floor.

Mr. GARNER. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. GARNER. It is evident from the discussion here that the gentleman from Oklahoma [Mr. FERRIS], the gentleman from Texas [Mr. SMITH], or the gentleman from Illinois [Mr. MANN] are somewhat in doubt as to what this bill does or what it does not do.

Mr. MANN. Oh, the gentleman from Texas [Mr. GARNER] has not been here—

Mr. GARNER. I have been here long enough to find out these gentlemen do not understand each other.

Mr. MANN. I think we understand each other pretty well.

Mr. GARNER. Well, the gentleman from Oklahoma did not seem to understand the gentleman from Illinois.

Mr. MANN. I think the gentleman did entirely.

Mr. GARNER. It occurred to me we had not started very far on this bill so far and it is very nearly 5 o'clock, and if the gentleman had a week until next Wednesday to go over the bill, if we should recommit the bill to the committee and get some intelligent legislation in here, we might be able to get through on next Wednesday.

Mr. FERRIS. Mr. Chairman, undoubtedly the section has to be changed in many respects if not almost entirely stricken out, but I think the gentleman from Illinois [Mr. MANN] has digested the thing to the extent that we can by making two or three amendments correct it. I move to amend line 19—

The CHAIRMAN. Does the gentleman withdraw his first amendment?

Mr. FERRIS. No; I want to modify the amendment.

The CHAIRMAN. The gentleman asks unanimous consent to modify his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. FERRIS. Mr. Chairman, I move, in line 19, page 2, to strike out the words "maintenance and operation," so it will conform to paragraph 1.

Mr. RAKER. Before passing that, lines 16 to 24 provide for funds heretofore obtained, and we had disposed of that part of the bill. Did the gentleman notice that?

Mr. FERRIS. No; there is no "heretofore."

Mr. RAKER. Theretofore.

Mr. FERRIS. There is no "theretofore" there.

Mr. RAKER. Yes; in line 22.

Mr. FERRIS. I am going to move to strike out that.

The question was taken, and the amendment was agreed to.

Mr. FERRIS. Now I move to amend, in line 22, page 2, by striking out the word "one-half" and inserting in lieu thereof "25 per cent of."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 22, strike out the word "one-half" and insert in lieu thereof "25 per cent of."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FERRIS. Now, Mr. Chairman, I move to strike out the word "theretofore," in line 22, page 2, and insert in lieu thereof the word "thereafter."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 22, line 2, strike out the word "theretofore" and insert in lieu thereof the word "thereafter."

Mr. MARTIN of South Dakota. I think the gentleman ought to consider that a moment before offering it to the committee. The words are in there so that the Secretary shall not anticipate funds and expend them before they are in the Treasury.

Mr. MANN. It does relate to the expenditure. He receives 25 per cent of the money before he makes the expenditure.

Mr. FERRIS. Does the gentleman think if he does not make that change it does not modify—

Mr. MANN. It relates to that time.

Mr. FERRIS. They may be correct about that, and I withdraw the amendment.

Now, I move to strike out, beginning with the word "the," in line 24, page 2, the rest of the section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 24, beginning with the word "the," strike out the remainder of the section.

Mr. MARTIN of South Dakota. I would like to ask the gentleman if he has considered that and its effects sufficiently to satisfy himself, if not the gentleman from Illinois [Mr. MANN], that it is not a good thing? If we can get this bill in shape to satisfy the gentleman from Oklahoma [Mr. FERRIS] and the gentleman from Illinois [Mr. MANN], that will be all there is of it. But the gentleman will notice the section so far as we have gone has provided only for the construction of these municipal improvements. Does not the gentleman think that some provision of what should be done after construction should be in there?

Mr. FERRIS. It is the intention to turn them over to the local community as soon as constructed.

Mr. MARTIN of South Dakota. So far as the maintenance is concerned, I agree with the gentleman. But here it provides that the improvements shall be turned over to the corporation. Now, the gentleman is leaving nothing in the way of provision as to what shall be done with these improvements after they are constructed.

Mr. FERRIS. They become a part of the municipality and become municipal improvements. If the gentleman thinks that an amendment is necessary reciting that the department shall formally turn them over to the municipality, I would not think there would be any objection to that, but certainly after we have amended paragraph 1 as we have amended it we should not go on in section 2 and provide for maintenance.

Mr. MARTIN of South Dakota. I quite agree with you. You have already stricken that out.

Mr. FERRIS. Does not the gentleman think that the balance of the paragraph, beginning with the word "the" on line 24 and extending over on to page 3, all relates to maintenance and operation?

Mr. MARTIN of South Dakota. Oh, not at all.

Mr. MANN. If the gentleman will pardon me, I was going to suggest, when this amendment was agreed to, that the gentleman should offer as an amendment following the sentence that is left in the bill the following:

And the Secretary of the Interior may transfer to the municipal corporation or school district the said buildings or works, or both, as the case may be, and the lands or easements necessary to their use, and thereafter said Secretary shall be free of all duty or responsibility with respect thereto.

Mr. FERRIS. That accomplishes it, I think.

Mr. MANN. It makes it simpler to strike all out and reinsert that proposition.

Mr. BOEHNE. Mr. Chairman, I make the point of no quorum.

Mr. MANN. I hope the gentleman will not do that.

Mr. FERRIS. If the gentleman is going to do it, I move that the committee do now rise.

The CHAIRMAN. The Chair will count.

Mr. GARRETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT. The gentleman from Oklahoma [Mr. FERRIS] moved that the committee rise. That is a privileged motion, and the Chair is not obliged to count.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise. It is now 5 o'clock, and the bill has some important features to it that may require consideration.

The CHAIRMAN. The Chair thought the gentleman from Oklahoma [Mr. FERRIS] withdrew his motion when the Chair proposed to count. The gentleman from Oklahoma now moves that the committee rise. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. FERRIS. A division, Mr. Chairman.

Mr. SMITH of Texas. I ask for a division.

The committee divided; and there were—ayes 41, noes 53.

Mr. BOEHNE. I make the point of no quorum, Mr. Chairman.

Mr. MANN. I ask for tellers, Mr. Chairman, on the motion to rise.

Tellers were ordered, and the Chairman appointed Mr. FERRIS and Mr. MANN.

The committee again divided; and the tellers reported—ayes 30, noes 62.

So the committee refused to rise.

Mr. FERRIS. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] makes the point of no quorum. The Chair will count. [After counting.] There are 101 Members present, a quorum of the committee. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

Mr. CULLOP. Mr. Chairman, I ask to have the amendment again reported.

The CHAIRMAN. Without objection, the amendment will again be reported.

There was no objection.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to insert, after the word "therein," in line 23, page 2, the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

On page 2, line 23, after the word "therein," insert the following: "And the Secretary of the Interior may transfer to the municipal corporation or school district the said buildings or works, or both, as the case may be, and the lands or easements necessary to their use, and thereafter said Secretary shall be free of all duty or responsibility with respect thereto."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

Mr. RAKER. Mr. Chairman, I would like to have the gentleman from Illinois explain what he means by that transfer. Transfer of what?

Mr. MANN. These improvements that have been made—school buildings and electric-light plant, or whatever it is.

Mr. RAKER. I know; but the title is already in the school district under the original reclamation act.

Mr. MANN. The title of the building is not in the school district.

Mr. RAKER. I know; but if the building is built on land that belongs to the municipality for that purpose, undoubtedly it belongs to the municipality. I am asking for information. Where does the Secretary get the right to transfer? What is he transferring?

Mr. MANN. He transfers the improvements. He obtains control of the improvements, at least, while he is making them, and when he is through he transfers them. He must have the authority of law to do it. This gives him the authority.

Mr. FOWLER. Does the word "transfer," as used in that amendment, mean the same as "turn over"? [Laughter.]

Mr. MANN. Whatever is necessary.

Mr. FOWLER. I ask in good faith, Does it mean the same as "turn over"?

Mr. MANN. I take the language that I offered from the bill itself. I suppose it covers turning over and also, if necessary, the issuance of the patent. I do not know whether that is necessary or not. That is the custom. This is authority that is necessary for the Secretary to have.

Mr. SMITH of Texas. Mr. Chairman, I want to call the gentleman's attention to the fact that the first section refers to town sites and not municipal corporations, and the second section adopted says nothing about corporations, but only about town sites. I did not understand from the gentleman's amendment that he provides for transferring to any other than the municipal corporation.

Mr. MANN. Or school districts.

Mr. SMITH of Texas. Or school districts. Now, suppose there is no organization when these works are completed. No transfer can be made.

Mr. MANN. It can not be transferred until there is one, but meanwhile under the bill as amended it does not operate, so there will be one, I apprehend, immediately.

Mr. SMITH of Texas. There may not be.

Mr. MANN. If there is not, nobody is hurt.

Mr. RAKER. I ask to have that amendment reported again, for information.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. RAKER. Now, I call the attention of the committee to the fact that if there is anything in virtue of the reclamation act and the town-site law, the title is to be transferred before any municipal work is had upon these places at all. In other words, a piece of land is set apart for school purposes, and before the Secretary does any work that land is transferred to the municipality. Otherwise the Secretary of the Interior is directing a building for a municipality upon the public domain.

Mr. MANN. Will the gentleman permit?

Mr. RAKER. I yield.

Mr. MANN. The gentleman does not claim that when the town site is laid out there is any municipality? What he intended to say, I take it, was that certain tracts of ground are reserved for municipal purposes.

Mr. RAKER. Yes; that is correct.

Mr. MANN. There is no municipality.

Mr. RAKER. That is true.

Mr. MANN. There is no patent issued to them.

Mr. RAKER. That is true.

Mr. MANN. The Government goes ahead and constructs a building. Certainly there must be some authority given to the Secretary of the Interior to turn that over to the municipality whenever it is organized.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. RAKER. I yield to the gentleman from South Dakota.

Mr. MARTIN of South Dakota. If the gentleman from Illinois had incorporated in his amendment a little more of the language that is already contained in the section, his proposed amendment would have been more clear. He refers to a municipal corporation, but he omits the preceding reference to the corporation which is in lines 3 and 4, on page 3—

The organization of a municipal corporation or school district qualified to operate and maintain the same.

If the gentleman had included those words, his meaning would have been more clear.

Mr. RAKER. I want to call the attention of the gentleman to the fact that if under the town-site bill the Secretary should set aside a tract of land for school purposes and make a patent for it or issue a deed, which is the same as a patent, or for public parks and other necessary tracts for these various purposes, that being done in advance of the organization of the municipality, you must remember that the Secretary is spending the people's money there upon Government land before the municipality has determined what particular tract they want. It seems to me that this ought to be specified in the first instance before you permit the building to be made by the Secretary or the improvement to be done, not knowing that it will ever go to the municipality.

Mr. MARTIN of South Dakota. There is no embarrassment whatever in that.

Mr. MONDELL. If the gentleman has read the town-site law recently, he recalls that the Secretary now makes reservations for public purposes.

Mr. RAKER. Yes.

Mr. MONDELL. He would undoubtedly erect these buildings on the reservation so made. If the legislation is passed, the committee having stricken out of the bill the provisions for the transfer, provisions like those contained in the gentleman's amendment are essential.

Mr. RAKER. Why, no; I have read the act, and read it again to-day. The Secretary is directed to reserve these plats of ground for the purpose named, and convey to the proper authorities the necessary title to be held in trust for these town purposes. That is done before any agreement is made whatever.

Mr. MARTIN of South Dakota. I suggest that the amendment of the gentleman from Illinois to transfer covers the whole subject. If there is a legal and equitable title, that goes. If, on the other hand, there is only a building and improvements, that is transferred.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask for two minutes more, that we may get this matter straightened out.

Mr. SMITH of Texas. Mr. Chairman, I offer the following amendment to the amendment offered by the gentleman from Illinois.

The CHAIRMAN. Is this amendment to be added to the amendment offered by the gentleman from Illinois?

Mr. SMITH of Texas. It is added as a proviso.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Add to the amendment the following:

"Provided, That the Secretary of the Interior shall not be authorized to construct any such improvement upon any town site until after the municipal corporation is organized thereon."

Mr. RAKER. Mr. Chairman, I would like to ask the Chair whether or not an amendment to that is in order?

The CHAIRMAN. It is not.

Mr. SMITH of Texas. Mr. Chairman, I offer this amendment because I do not think the Secretary of the Interior ought to be authorized to construct improvements upon these town sites until there is a reasonable number of people in the town, and until they have shown their good faith toward building up the town by organizing a municipal corporation qualified to take charge of the improvement when constructed. I think that unless an amendment of this sort is adopted we may find ourselves in the condition that these improvements will be made in some instances and the town site may prove a failure, and after the work is done the people in the town will not be sufficiently interested to organize a municipal government and take over the property after the Government has constructed it.

Mr. MANN. Mr. Chairman, the proof of the pudding is in the eating. They will not have any money to spend on town sites in the way of public improvements unless enough people buy the lots at sufficiently high prices to raise the money. If these people contribute 100 per cent in the purchase of the lots, or if they raise any sort of a sum at all, it seems to me that they show interest enough to have the schoolhouse built at once and the sidewalks constructed, and that is about all you can do at the best. They ought not to have to wait for a year, but should be entitled to have it done at once, "Johnny on the spot"; that is what will make the lots sell for that much more.

Mr. GARNER. Mr. Chairman, this is one of the most important of the many amendments offered in this bill, and I do not think it ought to be voted upon without a quorum of the committee being present, and I make the point of order that no quorum is present.

Mr. CANNON. Mr. Chairman, I make the point that that is dilatory.

Mr. GARNER. Well, we have had several amendments and considerable business transacted since the ascertainment of a quorum.

Mr. MANN. This is not the only bill that can be filibustered on, I will say to the assistant whip.

Mr. GARNER. I am not filibustering. I think it is full time that we took out. I have heard the gentleman from Illinois say that many times at this hour in the day.

Mr. MANN. Not at this time in the session. Last night we ran for more than an hour, until 6 o'clock and after, with no quorum, but we will not do it to-morrow night if the point of order is insisted on now. What is sauce for the goose is sauce for the gander.

Mr. GARNER. Well, Mr. Chairman, if the gentlemen want to go on with the bill, I will withdraw the point of order.

The CHAIRMAN. The gentleman from Texas withdraws his point of no quorum.

Mr. RAKER. Mr. Chairman, I offer as a substitute for the amendment of the gentleman from Illinois the following.

The CHAIRMAN. The substitute is not in order until the amendment is perfected. The gentleman can have his substitute read for information.

The Clerk read as follows:

Add as a substitute the following:

"And provided further, That the municipality must first have determined that the particular improvement is desired."

Mr. MANN. I make the point of order that that is not in order.

Mr. RAKER. This is a substitute for the amendment offered by the gentleman from Illinois and the amendment to it by the gentleman from Texas.

Mr. MANN. The gentleman can offer it after the amendment is perfected.

The CHAIRMAN. The Chair thinks that is not a substitute. The question is on the amendment offered by the gentleman from Texas to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment to the amendment.

Mr. CANNON. But there is no amendment pending.

Mr. RAKER. Then, Mr. Chairman, I offer this as an amendment to the bill to follow the amendment just adopted offered by the gentleman from Illinois.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from California.

The Clerk read as follows:

Add to the amendment just adopted the following:
"And provided further, That the municipality must first have determined the particular improvement desired."

Mr. RAKER. Mr. Chairman, just a word. The purpose of the amendment is this: The municipality knows what it desires before the Secretary of the Interior makes these improvements, and the amendment provides that the municipality shall say through its organization what particular thing it most desires to have done. It speaks for those people in that community, representing them. Before the Secretary of the Interior or any other officer goes in there and makes any particular improvement the municipality, by its vote and through its officers, should say which particular improvement shall be made first. I think the amendment should be adopted. It is a matter of economy and of control.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

Mr. FERRIS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add at the end of the paragraph the following:
"Provided, That whenever the lands, improvements, or any part thereof cease to be used for the purposes for which they were granted the same shall revert to the United States."

Mr. MARTIN of South Dakota. Mr. Chairman, I make the point of order against that that the committee has already, in striking out lines 12 to 16, inclusive, on page 3, passed upon that same proposition.

Mr. FERRIS. Not at all, Mr. Chairman. The whole paragraph was stricken out, and it has been amended and modified in three or four particulars since then, and this amendment is undoubtedly necessary.

The CHAIRMAN. The Chair thinks this amendment simply provides that this property shall revert to the United States in case it ceases to be used for the purpose for which it is intended, and the Chair overrules the point of order.

Mr. FERRIS. Mr. Chairman, this simply provides that in the event any of these improvements constructed by part public money shall cease to be used for the purposes granted they shall revert to the Federal Government.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. FERRIS) there were—ayes 42, nays 3.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That all income received from the operation of any such buildings or works shall be paid into and become a part of the reclamation town-site fund.

Mr. MANN. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois to strike out the section.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That the Secretary of the Interior may, in his discretion, from time to time, transfer from the reclamation town-site fund to the reclamation fund any and all moneys in excess of the amount estimated by him to be necessary for the construction, operation, and maintenance under this act of the buildings and works hereby authorized.

With a committee amendment as follows:

Strike out the entire section.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The Clerk read as follows:

Insert as a new section the following:

"SEC. 4. That all sums hereafter received into the reclamation town-site fund from towns having a municipal organization and an organized school district shall at the beginning of the fiscal year following the receipt of such sums be divided, one-fourth to the school district and three-fourths to the municipality, and paid to the proper officers of the said school district and municipality, respectively, to be expended for school and municipal purposes; and sums heretofore received from the sale of town lots and covered into the reclamation town-site fund by the terms of this act and sums hereafter accruing from towns having no municipal or school-district organization and not expended by the Secretary of the Interior as provided by section 2 of this act shall upon the organization of municipalities and school districts be divided in the same proportion and paid to the school districts and municipalities, respectively, to be expended for school and municipal purposes."

Mr. FERRIS. Mr. Chairman, does not the gentleman in charge of the bill think in lieu of the language that appears in

lines 11 and 12, where it specifically provides that one-fourth shall go to the school district and three-fourths to the municipality, that it would be better to leave a little discretion in the Secretary of the Interior so that he might not have trouble with the handling of the fund? I would say to him in other legislation of a similar character, where it relates to the Indian funds, we have almost uniformly left it to the Secretary, and he in turn has counseled and worked with the local communities, and I think that ought to be.

Mr. MARTIN of South Dakota. That is as to the subject of the apportionment of the division?

Mr. FERRIS. Yes.

Mr. MARTIN of South Dakota. I will say to the gentleman, as he appeals to me upon it, that provision giving a definite proportion of this fund for school purposes was not championed by me. I will be entirely satisfied without it, but others have felt an interest in it, and thought a definite proportion of this fund ought to be set aside for school purposes. Personally, I am not contentious about it.

Mr. FERRIS. Suppose this situation should occur. Evidently the gentleman is thinking along the same line I am. Suppose a municipality should, of its own initiative and from its own funds, construct sewers, storm and sanitary, as the case may be, and construct improvements as they might need them from the small funds for school purposes. It is easy to see what would happen. It is easy to see it would be perplexing. I move, Mr. Chairman, in lines 11 and 12, to strike out the words "one-fourth to the school district and three-fourths to the municipality" and insert in lieu thereof the words "and apportioned within the discretion of the Secretary of the Interior."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 11, strike out the words "one-fourth to the school district and three-fourths to the municipality" and insert—

Mr. MANN. I think the gentleman ought to make it read "to be apportioned to the school district and to the municipality, in the discretion of the Secretary of the Interior."

Mr. FERRIS. Well, I have no objection to that. I ask that the amendment be modified as suggested by the gentleman from Illinois.

Mr. MANN. Strike out the word "divided" and make it read, after the word "divided," "apportioned to the school district and to the municipality, in the discretion of the Secretary of the Interior."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 11, strike out the words "one-fourth to the school district and three-fourths to the municipality" and insert "and apportioned to the school district and to the municipality, in the discretion of the Secretary of the Interior."

Mr. MANN. Also strike out the word "divided."

The question was taken, and the amendments were agreed to.

Mr. FERRIS. Now, Mr. Chairman, I am not sure I am right about this, but I think some of it ought to go out, and for the purpose of getting it before the House I move to strike out, beginning with the word "and," line 14, all the rest of the paragraph.

Mr. MANN. Down to and including the word "act," in line 16.

Mr. FERRIS. What effect will that have?

Mr. MANN. It instructs in reference to sums heretofore received.

Mr. FERRIS. I move to strike out, beginning in line 14, with the word "and," all following, down to and including the word "act," in line 16.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 14, strike out the following: "And sums heretofore received from town lots and covered into the reclamation town-site fund by the terms of this act."

The question was taken, and the amendment was agreed to.

Mr. MARTIN of South Dakota. Mr. Chairman, in order to make the section harmonious, I move to strike out, in lines 20 and 21, the words "divided in the same proportion" and insert "apportioned in the discretion of the Secretary of the Interior as hereinbefore provided."

The CHAIRMAN. The Clerk will report the amendment.

Mr. MARTIN of South Dakota. Mr. Chairman, I am inclined to think a suggestion made to me by the gentleman from Illinois is in the interest of clearness and I will modify my motion by striking out the words "divided in the same proportion," in lines 20 and 21, page 4, and inserting "apportioned in the same manner."

The CHAIRMAN. The Clerk will report the amendment of the gentleman from South Dakota as modified.

The Clerk read as follows:

Page 4, lines 20 and 21, strike out the words "divided in the same proportion" and insert the words "apportioned in the same manner."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. That all sums hereafter received into the reclamation town-site fund from towns having a municipal organization and an organized school district shall at the beginning of the fiscal year following the receipt of such sums be divided one-fourth to the school district and three-fourths to the municipality and paid to the proper officers of the said school district and municipality, respectively, to be expended for school and municipal purposes; and sums heretofore received from the sale of town lots and covered into the reclamation town-site fund by the terms of this act and sums hereafter accruing from towns having no municipal or school district organization and not expended by the Secretary of the Interior as provided by section 2 of this act shall upon the organization of municipalities and school districts be divided in the same proportion and paid to the school districts and municipalities, respectively, to be expended for school and municipal purposes.

Mr. MANN. In the new section 4 the committee amendment was amended, but it has not yet been agreed to.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That the Secretary of the Interior is further authorized to reserve from entry such lands within or near such town sites as he may deem necessary for cemetery purposes, and to make appropriate regulations for the supervision and sale of lots in such cemetery at an appraised value, through the Reclamation Service, until such time as a municipal corporation or corporations shall be created capable of operating and maintaining such cemetery, and thereupon a legal title for the lands so reserved and then unsold shall be transferred to the municipal corporation or corporations for cemetery purposes, and the proceeds of the sales of cemetery lots by the municipal corporation or corporations shall be used for cemetery improvements. The proceeds of sales of cemetery lots by the United States shall be paid into and become a part of the reclamation town-site fund, and the cost of the improvement, maintenance, and operation of such cemeteries may be paid from said fund in the discretion of the Secretary of the Interior: *Provided*, That whenever the lands or any part thereof so transferred shall be used for any other than cemetery purposes the ownership and control thereof shall revert to the United States.

Also, the following committee amendment was read:

Page 5, line 12, after the word "States," insert the words: "Prior to the transfer to the municipalities, respectively."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken and the amendment was agreed to.

The CHAIRMAN. The Clerk will also report the other committee amendment.

The Clerk read as follows:

After the word "Interior," line 17, page 5, strike out:

"*Provided*, That whenever the lands or any part thereof so transferred shall be used for any other than cemetery purposes the ownership and control thereof shall revert to the United States."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. FERRIS. Why is it necessary to strike out that proviso? That is merely a reversionary clause.

Mr. MARTIN of South Dakota. It is pretty hard to revert the cemetery to the Government if used for a chapel or school site.

Mr. FERRIS. If it was to be used, the bodies would be removed. But I do not care anything about it.

The Clerk read as follows:

SEC. 6. That the survey, subdivision, and sales of lots in the cemeteries prior to transfer to municipal corporations and the survey, subdivision, and sale of lots in reclamation town sites heretofore and hereafter established under the acts aforesaid shall be conducted by the Secretary of the Interior through the Reclamation Service, and patents for the lots shall be issued in the usual manner through the General Land Office.

Also, the following committee amendment was read:

Page 5, line 22, after the word "cemeteries," strike out the words "and town sites" and insert:

"Prior to transfer to municipal corporations and the survey, subdivision, and sale of lots in reclamation town sites."

Mr. FERRIS. This paragraph goes ahead and provides how the town sites shall be sold.

Mr. MANN. This is a cemetery. It refers to cemetery lots, and I hope it will be many years before the gentleman from Oklahoma occupies one.

Mr. FERRIS. Thank you.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. TAYLOR of Colorado. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 23669) providing for the disposition of town sites in connection with reclamation projects, and for other purposes, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. FERRIS. Mr. Speaker, I demand a separate vote on the amendment agreed to on page 1, line 3, wherein "25 per cent" was adopted in lieu of "5 per cent."

Mr. CANNON. Mr. Speaker—

The SPEAKER. The gentleman from Illinois is recognized.

Mr. CANNON. Pending that, I move the previous question upon the bill and amendments to final passage.

The SPEAKER. The gentleman from Illinois moves the previous question on the bill and amendments thereto to final passage. The question is on agreeing to the motion.

The question was taken; and the Speaker announced that the "ayes" seemed to have it.

Mr. FERRIS. Division, Mr. Speaker.

The House divided; and there were—ayes 66, noes 15.

So the previous question was ordered.

The SPEAKER. Is a separate vote demanded on any of the amendments?

Mr. FERRIS. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FERRIS. Mr. Speaker, the bill as reported from the committee contained a provision authorizing 50 per cent of the town-site fund to be used for local improvements. The committee adopted a provision making it 25 per cent. Another amendment was voted down to the effect that it should be 5 per cent. Is there a way to get a vote to determine whether the House elects to have 5 per cent of those funds used or 25 per cent used?

The SPEAKER. There is not.

Mr. FERRIS. Then I withdraw my request for a separate vote.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. As the previous question has been ordered, and a separate vote is demanded on each amendment adopted by the committee, when will the vote be taken on each amendment?

The SPEAKER. Next Wednesday morning.

Mr. GARNER. Then I shall ask for a separate vote.

Mr. CANNON. I think we can arrange it all right to-night.

Mr. GARNER. I will say to the gentleman from Illinois [Mr. CANNON] that we can not pass the bill to-night, because there are a number of us on this side who propose to have a yea-and-nay vote on this bill to its final passage. Now, unless we are going to call a quorum here for the purpose of taking a yea-and-nay vote, it would be perfectly frivolous for us to undertake to pass the bill to-night. But I think this: The previous question has been ordered; we could adjourn now and take up the bill next Wednesday.

Mr. MANN. Let us first agree to the amendments and then take it up next Wednesday.

Mr. GARNER. I will say to the gentleman from Illinois [Mr. MANN] that I understand his anxiety and the anxiety of the other gentleman from Illinois [Mr. CANNON] with reference to this particular bill being gotten out of the way. I speak for myself. I am not in accord with that movement, and there are a number of others over here who are in the same attitude, and I think it is perfectly legitimate to ask, at least for the present, that all the rights of Members with respect to this bill may be preserved from the parliamentary standpoint in order that we may take advantage of it to fight a bill that is to come up later.

Mr. MANN. I do not blame the gentleman.

The SPEAKER. Of course, all this colloquy is proceeding by unanimous consent.

Mr. MANN. I think it will serve a useful purpose to spend all day next Wednesday in voting on this bill.

The SPEAKER. The gentleman from Texas [Mr. GARNER] demands a separate vote on each amendment, and the Clerk will report the first one.

Mr. CANNON. It may be necessary to get a quorum.

Mr. GARNER. If the gentleman from Illinois thinks it is necessary to get a quorum, he may make a point of order for that purpose.

Mr. MANN. I demand the regular order, Mr. Speaker.

The SPEAKER. The regular order is to vote on amendment No. 1, which the Clerk will report. But before that is done, the Chair would like to ask unanimous consent to—

Mr. MANN. Well, I will not give unanimous consent. I ask for the regular order.

The SPEAKER. The regular order is to vote on amendment No. 1, which the Clerk will report.

The Clerk read as follows:

On page 1, line 3, strike out "one-half" and insert the words "25 per cent of."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. GARNER. Mr. Speaker, to make a long story short, I make the point that there is no quorum present.

Mr. MANN. I thought we would force the gentleman to it.

The SPEAKER. The Speaker would like the gentleman from Texas [Mr. GARNER] to reserve that point of order until the Speaker can submit—

Mr. MANN. I shall demand the regular order, Mr. Speaker, and shall do so as long as the gentleman from Texas [Mr. GARNER] insists on his point of order.

Mr. GARNER. Mr. Speaker, I will withdraw my point of order for the present.

The SPEAKER. The gentleman from Texas [Mr. GARNER] reserves for the present his point of order that there is no quorum present.

Mr. MANN. Then I call for the regular order.

The SPEAKER. The regular order is demanded.

Mr. MANN. I call for the declaration of the result.

The SPEAKER. The declaration of the result was that the amendment is carried.

Mr. MANN. Then the next amendment will be the thing that is in order to be taken up.

The SPEAKER. The Chair understands that as well as the gentleman from Illinois. The Clerk will report amendment No. 2.

The Clerk read as follows:

On page 1, line 3, strike out the words "heretofore or."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the Speaker announced that the "ayes" seemed to have it.

Mr. GARNER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present, and the Chair will count. [After counting.] One hundred and fourteen gentlemen are present—not a quorum.

Mr. FOSTER. Mr. Speaker, I move a call of the House.

The SPEAKER. There is an automatic call of the House. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

Mr. Sisson. Mr. Speaker, I make the motion that the House do now adjourn.

The SPEAKER. The gentleman from Mississippi moves that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. Sisson) there were 56 ayes and 58 noes.

Mr. Sisson. Mr. Speaker, I demand tellers.

Mr. CANNON. We may as well have the yeas and nays, Mr. Speaker.

Mr. MANN. I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion of the gentleman from Mississippi that the House do now adjourn.

The question was taken; and there were—yeas 96, nays 88, answered "present" 9, not voting 190, as follows:

YEAS—96.

Adair	Cline	Francis	Konop
Aiken, S. C.	Collier	Garner	Korbly
Alexander	Cravens	Garrett	Lafean
Allen	Cullop	Gill	Lamb
Barnhart	Davenport	Godwin, N. C.	Lee, Ga.
Bathrick	Dent	Goodwin, Ark.	Lee, Pa.
Bell, Ga.	Denver	Gregg, Tex.	Lewis
Blackmon	Dickinson	Hamlin	Linthicum
Boehne	Dickson, Miss.	Harrison, Miss.	Lloyd
Borland	Dies	Hay	Macon
Brown	Difenderfer	Hayden	Maguire, Nebr.
Buchanan	Dixon, Ind.	Helm	Mays
Byrnes, S. C.	Donohoe	Hensley	Moon, Tenn.
Byrns, Tenn.	Doughton	Jacoway	Moss, Ind.
Callaway	Driscoll, D. A.	James	Neeley
Candler	Edwards	Jones	O'Shaunessy
Cantrill	Ferris	Kinhead, N. J.	Page
Claypool	Fowler	Konig	Post

Raker
Ransdell, La.
Rauch
Reilly
Roddenberg
Rubey

Russell
Sherwood
Sisson
Smith, Tex.
Stedman
Stephens, Miss.

Taggart
Talcott, N. Y.
Thayer
Thomas
Tribble
Underhill

Underwood
Whitacre
White
Wilson, Pa.
Witherspoon
Young, Tex.

NAYS—88.

Alney
Anderson
Austin
Berger
Bradley
Bulkley
Burke, S. Dak.
Caldier
Campbell
Cannon
Cary
Cooper
Cox
Currier
Dalzell
Danforth
Dodds
Dwight
Dyer
Esch
Evans
Faison

Finley
Fitzgerald
Foster
French
Gallagher
Gardner, Mass.
Gardner, N. J.
Gray
Greene, Mass.
Griest
Hamill
Hamilton, Mich.
Hamilton, W. Va.
Haugen
Hawley
Higgins
Howell
Howland
Humphreys, Miss.
Jackson
Kendall
Kennedy

Porter
Pray
Rees
Roberts, Mass.
Roberts, Nev.
Rodenberg
Scott
Slayden
Sloan
Steenerson
Stephens, Cal.
Stone
Sweet
Switzer
Taylor, Colo.
Towner
Tuttle
Vare
Volstead
Warburton
Willis
Young, Mich.

ANSWERED "PRESENT"—9.

Andrus
Browning
Butler

Hull
Longworth
Rainey
Stephens, Tex.

Talbott, Md.
Watkins

NOT VOTING—190.

Adamson
Akin, N. Y.
Ames
Ansberry
Anthony
Ashbrook
Ayres
Barchfeld
Bartholdt
Bartlett
Bates
Beall, Tex.
Boeber
Brantley
Broussard
Burgess
Burke, Pa.
Burke, Wis.
Burleson
Burnett
Carlin
Carter
Clark, Fla.
Clayton
Conry
Copley
Covington
Crago
Crumacker
Curley
Curry
Daugherty
Davidson
Davis, Minn.
Davis, W. Va.
De Forest
Doremus
Draper
Driscoll, M. E.
Dupré
Ellerbe
Estopinal
Fairchild
Farr
Fergusson
Fields
Flood, Va.
Floyd, Ark.

Focht
Fordney
Fornes
Foss
Fuller
George
Gillett
Glass
Globe
Gocke
Goldfogle
Good
Gould
Graham
Green, Iowa
Greene, Vt.
Gregg, Pa.
Gudger
Guernsey
Hammond
Hardwick
Hardy
Harris
Harrison, N. Y.
Hart
Hartman
Hayes
Heald
Heflin
Helgesen
Henry, Conn.
Henry, Tex.
Hill
Hinds
Hobson
Holland
Houston
Howard
Hughes, Ga.
Hughes, W. Va.
Humphrey, Wash.
Johnson, Ky.
Johnson, S. C.
Kahn
Kindred
Kitchin
Knowland
Langham
Langley

Reyburn
Richardson
Riordan
Rothmel
Rouse
Rucker, Colo.
Rucker, Mo.
Sabath
Saunders
Scully
Sells
Shackelford
Sharp
Sheppard
Sherley
Simmons
Sims
Slomp
Small
Smith, J. M. C.
Smith, Saml. W.
Smith, Cal.
Smith, N. Y.
Sparkman
Speer
Stack
Stanley
Stephens, Nebr.
Sterling
Stevens, Minn.
Sulloway
Taylor, Ala.
Taylor, Ohio
Thistlewood
Tilson
Townsend
Turnbull
Vreeland
Webb
Weeks
Wilder
Wilson, Ill.
Wilson, N. Y.
Wood, N. J.
Woods, Iowa
Young, Kans.

So the motion to adjourn was agreed to.

The following pairs were announced:

For the session:

Mr. PALMER with Mr. HILL.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. BARTLETT with Mr. BUTLER.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. RIORDAN with Mr. ANDRUS.

Until further notice:

Mr. FIELDS with Mr. LANGLEY.

Mr. BURGESS with Mr. MICHAEL E. DRISCOLL.

Mr. HULL with Mr. NEEDHAM.

Mr. PUJO with Mr. MCMORRAN.

Mr. CONRY with Mr. LANGHAM.

Mr. HARRISON of New York with Mr. PAYNE.

Mr. GEORGE with Mr. SMITH of California.

Mr. CARTER with Mr. MCGUIRE of Oklahoma.

Mr. SCULLY with Mr. BROWNING.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. GOULD with Mr. HINDS.

Mr. RAINEY with Mr. McCALL.
 Mr. KITCHIN with Mr. FORDNEY.
 Mr. STEPHENS of Texas with Mr. AMES.
 Mr. ANSBERRY with Mr. ANTHONY.
 Mr. ASHBROOK with Mr. BARCHFELD.
 Mr. BEALL of Texas with Mr. BARTHOLOMT.
 Mr. BOOHER with Mr. BURKE of Pennsylvania.
 Mr. BRANTLEY with Mr. COPLEY.
 Mr. BROUSSARD with Mr. CRAIG.
 Mr. TURNBULL with Mr. CURRY.
 Mr. BURLESON with Mr. CRUMPACKER.
 Mr. BURNETT with Mr. DE FOREST.
 Mr. CARLIN with Mr. DRAPER.
 Mr. CLARK of Florida with Mr. FARR.
 Mr. CLAYTON with Mr. FOCHT.
 Mr. COVINGTON with Mr. FOSS.
 Mr. CURLEY with Mr. FULLER.
 Mr. DAVIS of West Virginia with Mr. GILLET.
 Mr. DOREMUS with Mr. GOOD.
 Mr. DUPRE with Mr. GREENE of Vermont.
 Mr. ESTOPINAL with Mr. GREEN of Iowa.
 Mr. FERGUSON with Mr. GUERNSEY.
 Mr. FLOOD of Virginia with Mr. HARRIS.
 Mr. FLOYD of Arkansas with Mr. HARTMAN.
 Mr. FORNES with Mr. HAYES.
 Mr. GLASS with Mr. HEALD.
 Mr. GOLDFOGLE with Mr. HELGESEN.
 Mr. GRAHAM with Mr. HENRY of Connecticut.
 Mr. GUDGER with Mr. HUGHES of West Virginia.
 Mr. HAMMOND with Mr. HUMPHREY of Washington.
 Mr. HARDWICK with Mr. KAHN.
 Mr. HARDY with Mr. KNOWLAND.
 Mr. HEFLIN with Mr. LAWRENCE.
 Mr. HENRY of Texas with Mr. LOUD.
 Mr. HOLLAND with Mr. MCCREARY.
 Mr. HUGHES of Georgia with Mr. MCKINLEY.
 Mr. HOWARD with Mr. BATES.
 Mr. JOHNSON of Kentucky with Mr. MATTHEWS.
 Mr. JOHNSON of South Carolina with Mr. MERRITT.
 Mr. KINDRED with Mr. MOTT.
 Mr. LEVER with Mr. NELSON.
 Mr. LITTLETON with Mr. NORRIS.
 Mr. MCCOY with Mr. NYE.
 Mr. McDERMOTT with Mr. REYBURN.
 Mr. MCGILLICUDDY with Mr. OLMSTED.
 Mr. MORGAN of Louisiana with Mr. PATTON of Pennsylvania.
 Mr. MORRISON with Mr. PROUTY.
 Mr. OLDFIELD with Mr. SELLS.
 Mr. PADGETT with Mr. SIMMONS.
 Mr. PEPPER with Mr. SLEMP.
 Mr. PETERS with Mr. J. M. C. SMITH.
 Mr. POU with Mr. SAMUEL W. SMITH.
 Mr. ROTHERMEL with Mr. POWERS.
 Mr. ROUSE with Mr. SPEER.
 Mr. RUCKER of Missouri with Mr. STERLING.
 Mr. SABATH with Mr. SULLOWAY.
 Mr. SAUNDERS with Mr. TAYLOR of Ohio.
 Mr. SHARP with Mr. TILSON.
 Mr. SHEPPARD with Mr. WEEKS.
 Mr. SHERLEY with Mr. VREELAND.
 Mr. SMALL with Mr. WILDER.
 Mr. STANLEY with Mr. WILSON of Illinois.
 Mr. WEBB with Mr. WOOD of New Jersey.
 Mr. LEVY with Mr. YOUNG of Kansas.
 Mr. GOEKE with Mr. WOODS of Iowa.
 Mr. RICHARDSON with Mr. THISTLEWOOD (either to be released when the other would vote the same way).

For the balance of this day:

Mr. SIMS with Mr. DAVIS of Minnesota.

Until February 1:

Mr. SHACKLEFORD with Mr. LONGWORTH.

Mr. BROWNING. Mr. Speaker, I voted "no." I have a general pair with Mr. SCULLY, and I wish to withdraw my vote and answer "present."

Mr. TALBOTT of Maryland. Mr. Speaker, I would like to inquire if my colleague, Mr. PARRAN, voted?

The SPEAKER. He did not.

Mr. TALBOTT of Maryland. I wish to withdraw my vote of "aye" and answer "present."

Mr. RAINEY. Mr. Speaker, did the gentleman from Massachusetts, Mr. McCALL, vote?

The SPEAKER. He did not.

Mr. RAINEY. I wish to withdraw my vote of "aye" and answer "present."

ADJOURNMENT.

The result of the vote was then announced as above recorded. Accordingly the House (at 6 o'clock and 26 minutes p. m.) adjourned until to-morrow, Thursday, January 23, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Ashtabula Harbor, Ohio (H. Doc. No. 1295); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Shrewsbury River, N. J. (H. Doc. No. 1296); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Horse Shoe Lake, Miss. (H. Doc. No. 1297); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

4. A letter from the Secretary of the Interior, transmitting reports of the geographer in charge of the Rocky Mountain division of the United States Geological Survey and the consulting engineer on preliminary survey of the sewer system of Hot Springs, Ark. (H. Doc. No. 1298); to the Committee on Appropriations and ordered to be printed with illustrations.

5. A letter from the Secretary of the Interior, transmitting a joint report of the supervising engineer of the Reclamation Service and superintendent and supervising irrigation engineer of the Indian service on the condition of the Yakima Indian Reservation (H. Doc. No. 1299); to the Committee on Indian Affairs and ordered to be printed with illustrations.

6. A letter from the Acting Secretary of the Treasury, submitting a statement of traveling expenses incurred by officers and employees of the Treasury Department in connection with meetings and conventions of societies and associations from June 30 until December 1, 1912 (H. Doc. No. 1300); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GARDNER of Massachusetts, from the Committee on the Library, to which was referred the bill (S. 745) providing for the erection of a statue to Thomas Jefferson at Washington, D. C., reported the same with amendment, accompanied by a report (No. 1366), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House as follows:

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill (S. 8035) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1364), which said bill and report were referred to the Private Calendar.

Mr. RUSSELL, from the Committee on Invalid Pensions, to which was referred the bill (S. 8034) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1365), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GOLDFOGLE: A bill (H. R. 28354) to promote the interstate and foreign commerce of the United States, and provide for the relocation of the pierhead line in the Hudson River between pier 1 and West Thirtieth Street, in the Borough of

Manhattan, in the city of New York; to the Committee on Interstate and Foreign Commerce.

By Mr. HINDS: A bill (H. R. 28355) to acquire at Portland, Me., an immigrant station; to the Committee on Immigration and Naturalization.

By Mr. MOON of Tennessee: A bill (H. R. 28356) providing that the United States in certain cases shall aid States and local authorities in the construction and maintenance of post roads; to the Committee on the Post Office and Post Roads.

By Mr. HOBSON: A bill (H. R. 28357) to provide for the erection of a public building at Jasper, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. LEGARE: A bill (H. R. 28358) authorizing James Sottile, his heirs and assigns, to construct, maintain, and operate a bridge and approaches thereto across Cooper River, Charleston County, S. C., and also a bridge and approaches thereto across Shem Creek, Charleston County, S. C.; to the Committee on Interstate and Foreign Commerce.

By Mr. McMORRAN: A bill (H. R. 28359) to provide for the purchase of a site and the erection of a public building thereon at Bad Axe, in the State of Michigan; to the Committee on Public Buildings and Grounds.

By Mr. GOEKE: Resolution (H. Res. 784) authorizing the printing of 3,000 copies of Senate Document No. 987, Sixty-second Congress, third session; to the Committee on Printing.

By Mr. SLAYDEN: Resolution (H. Res. 785) to print 100,000 copies of an article entitled "Antityphoid vaccination in the Army and in civil life," by Maj. F. F. Russell, Medical Corps, United States Army; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 28360) granting an increase of pension to Georgiana Packard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28361) to place John Kiernan on the retired list of the United States Army; to the Committee on Military Affairs.

By Mr. AYRES: A bill (H. R. 28362) granting a pension to Ellen Louise Tripp; to the Committee on Pensions.

By Mr. BROWN: A bill (H. R. 28363) granting a pension to John B. Page; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 28364) for the relief of Oscar Frommel & Bro.; to the Committee on Claims.

By Mr. EDWARDS: A bill (H. R. 28365) granting a pension to W. J. Massey; to the Committee on Pensions.

Also, a bill (H. R. 28366) for the relief of the heirs of Asbury Hodges, deceased; to the Committee on War Claims.

Also, a bill (H. R. 28367) for the relief of the heirs of Samuel Way, deceased; to the Committee on War Claims.

By Mr. LEGARE: A bill (H. R. 28368) authorizing the Secretary of the Treasury to give to the city of Charleston the "Old Exchange" Building; to the Committee on Public Buildings and Grounds.

By Mr. LITTLEPAGE: A bill (H. R. 28369) granting an increase of pension to George G. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28370) granting an increase of pension to Rebecca Wriston; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 28371) granting an increase of pension to Alexander H. Mitchell; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 28372) granting a pension to Phoebe Cosgriff; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 28373) granting an increase of pension to Benjamin F. Jay; to the Committee on Invalid Pensions.

By Mr. YOUNG of Kansas: A bill (H. R. 28374) granting an increase of pension to Daniel Baughman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28375) granting an increase of pension to John Maddy; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 28376) granting an increase of pension to Daniel Palmer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CALDER: Petition of Mrs. C. K. Buckley, of Brooklyn, N. Y., favoring the passage of House bill 19115, making an appropriation for payment of certain claims in accordance with findings of the Court of Claims; to the Committee on War Claims.

Also, petition of the New York Leather Belting Co. and Hogan & Son, of New York City, favoring the passage of House bill 27567, for 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of E. S. Cragin, of Brooklyn, N. Y., protesting against the passage of section 2 of the Oldfield patent bill, preventing the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

Also, petition of the Peerless Laundry Co., of Cumberland, Md., favoring the passage of House bill 25685, for the labeling and tagging of all fabrics intended for sale which enter into interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Architectural League of New York, N. Y., favoring the adoption of the Mall site as approved by the National Commission of Fine Arts as a memorial to Abraham Lincoln; to the Committee on the Library.

By Mr. CARY: Petition of the United States Live Stock Sanitary Association, favoring the passage of legislation for the increase of the Federal appropriation for tick eradication; to the Committee on Agriculture.

Also, petition of the National Committee for the Celebration of the One Hundredth Anniversary of Peace among the English-speaking Peoples, favoring the passage of legislation to create a commission to represent the United States Government in the celebration of the Ghent treaty; to the Committee on Agriculture.

Also, petition of the German-American Peace Society of New York, protesting against the passage of House bill 8141, for placing the State militia on the national pay roll; to the Committee on Military Affairs.

Also, petition of the Milwaukee Reliance Boiler Works, favoring passage of House bill 27567, for 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. DICKINSON: Papers to accompany bill (H. R. 27594) granting an increase of pension to Samuel J. Boyer; to the Committee on Invalid Pensions.

Also, papers to accompany bill (H. R. 27456) for the relief of James M. Mock; to the Committee on Military Affairs.

Also, papers to accompany bill (H. R. 22021) granting a pension to Martha J. Collier; to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the American Group of the Société des Architectes Diplômés par le Gouvernement Français, New York, favoring the adoption of the Mall site and design as approved by the National Commission of Fine Arts as a memorial to Abraham Lincoln; to the Committee on the Library.

By Mr. DYER: Petition of W. S. Eames, Theron E. Catlin, and Thomas K. Niedringhaus, St. Louis, Mo., favoring the adoption of the Mall site and the design as approved by the National Commission of Fine Arts for the memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of Rev. M. D. Krmpotic, Kansas City, Kans., favoring the plan of dealing with immigrants as proposed by Mr. DYER in his speech on the immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of the manager of the southwestern branch of Corliss, Coon & Co., St. Louis, Mo., protesting against the reduction of tariff on collars and cuffs; to the Committee on Ways and Means.

Also, petition of the Roth Homeyer Coffee Co. and the Eddy & Eddy Manufacturing Co., St. Louis, Mo., protesting against the passage of legislation placing a duty on spices of any kind; to the Committee on Ways and Means.

By Mr. ESCH: Petition of the United States Live Stock Sanitary Association, Chicago, Ill., favoring the passage of legislation to increase the Federal appropriation for the eradication of the tick; to the Committee on Agriculture.

By Mr. HAYES: Petition of Charles D. Blaney, Saratoga, Cal., protesting against the passage of the Oldfield patent bill for the regulation of patents; to the Committee on Patents.

Also, petition of the Humboldt County Dairy Association, Ferndale, Cal., favoring the passage of the Haugen bill preventing the sale of butter substitutes colored in the imitation of butter; to the Committee on Agriculture.

Also, petition of the Southern California Wholesale Grocers' Association, protesting against the passage of legislation for the reduction in tariff on sugar; to the Committee on Ways and Means.

Also, petition of E. Myron Wolf, San Francisco, Cal., favoring passage of House bill 27419, for reimbursement of the Virginia Military Institute for damages sustained during the Civil War; to the Committee on War Claims.

By Mr. HENRY of Connecticut: Petition of the Connecticut State Grange, protesting against the repeal of the present oleomargarine law; to the Committee on Agriculture.

By Mr. KENNEDY: Petition of the employees of the S. R. & I. C. McConnell Co., of Burlington, Iowa, wholesale saddlery manufacturers, protesting against the passage of House bills 27569 and 27576, for reduction of tariff relating to the saddlery business; to the Committee on Ways and Means.

By Mr. LEVY: Petitions of the New York Leather Belting Co., New York; Schoverling, Daly & Gales, New York; American Laundry Machinery Co., Rochester, N. Y.; R. E. Dietz Co., New York City; Crockery Board of Trade of New York, New York City; Wood & Seleck, New York City; Reliance Ball-Bearing Door Hanger Co., New York City, favoring passage of House bill 27567, for 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of Judson G. Wall, New York, favoring the passage of Senate bill 3, for Federal aid for the promotion of vocational education; to the Committee on Agriculture.

Also, petition of the Navy League of the United States, Washington, D. C., favoring the passage of House bill 1309, for appointing a council of national defense; to the Committee on Naval Affairs.

By Mr. LINDSAY: Petition of C. H. Caldwell and the American Group of the Société des Architectes Diplômés par le Gouvernement Français, New York, favoring the adoption of the site and design as approved by the National Commission of Fine Arts for a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of the Duchess Manufacturing Co., Poughkeepsie, N. Y., favoring the passage of House bill 27567, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of John W. Davis, Birdsboro, Pa.; C. M. Periggs, Dryden, N. J.; and George Shango, Wesley, Pa., favoring the passage of House bill 1339, granting an increase of pension to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. REILLY: Petition of the Connecticut State Grange, New London, Conn., protesting against any change in the present oleomargarine law; to the Committee on Agriculture.

By Mr. SCULLY: Petition of the general executive committee of the Railway Business Men's Association, favoring the passage of House bill 25106, granting a Federal charter to the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

Also, petition of the Industrial Exposition of the Industries of Union County, Elizabeth, N. J., favoring the passage of Senate bill 3, for Federal aid for industrial education; to the Committee on Agriculture.

By Mr. SIMS: Petition of the women of Sandy Springs, Md., favoring the adoption of the proposed boulevard from Washington to Gettysburg as a memorial to Abraham Lincoln; to the Committee on the Library.

By Mr. WILLIS: Papers to accompany bill (H. R. 26453) granting an increase of pension to Helen G. Davis; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of the German-American Peace Society, New York, protesting against the passage of House bill 8141, for placing the State militia on the national pay roll; to the Committee on Military Affairs.

Also, petition of the Eberhard-Faber Pencil Co. Employees' Aid Society, Greenpoint, Brooklyn, protesting against the reduction of tariff on lead pencils and leads; to the Committee on Ways and Means.

Also, petition of Illinois Chapter, American Institute of Architects, favoring the Mall site as approved by the National Commission of Fine Arts, but protesting against the proposed design for the memorial to Abraham Lincoln; to the Committee on the Library.

SENATE.

THURSDAY, January 23, 1913.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.
The Journal of yesterday's proceedings was read and approved.

INDIAN APPROPRIATION BILL.

The PRESIDENT pro tempore (Mr. GALLINGER). The Chair lays before the Senate a communication from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
January 22, 1913.

Ordered, That a message be sent to the Senate, notifying that body that an error has been made in the engrossment of the bill H. R. 26874, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914," approved January 9, 1913, as sent from

this House to the Senate, which error consists in incorporating in said engrossed bill a section thereof, on page 24, lines 7 to 15, inclusive, as follows:

"The sum of \$300,000 to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations in Oklahoma, during the fiscal year ending June 30, 1914: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood."

Said section having been stricken from the original bill by this House previous to the passage of the bill; and that the Senate be requested to permit the Clerk to correct said error.

The PRESIDENT pro tempore. The usual procedure in such cases has been the passage of a concurrent resolution instructing the Clerk to make changes of this kind. In view of the fact that this matter comes in an unusual form, the Chair will take the liberty of referring it to the Committee on Indian Affairs for their consideration.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial adopted by the Eistophos Science Club, of Washington, D. C., remonstrating against transferring the control of the natural resources of the country to the several States, which was referred to the Committee on Conservation of National Resources.

Mr. PENROSE presented a petition of Washington Camp, No. 568, Patriotic Order Sons of America, of Anslomink, Pa., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. BRANDEGEE presented a memorial of the State Grange, Patrons of Husbandry, of Connecticut, remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the State Board of Agriculture of Connecticut, praying for the passage of the so-called Page vocational education bill, which was ordered to lie on the table.

Mr. JONES presented resolutions adopted by members of the Commercial Club, of Hoquiam, Wash., favoring the extension of the north jetty of Grays Harbor, in that State, which were referred to the Committee on Commerce.

Mr. McLEAN presented a petition of sundry citizens of New Haven, Conn., praying the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. TOWNSEND presented petitions of the congregations of the Seventh-day Adventist Churches of Cedar Lake, Bauer, Petoskey, and Memphis, all in the State of Michigan, remonstrating against compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. BURTON presented a petition of Local Branch, Boy Scouts of America, of Ada, Ohio, praying for the enactment of legislation for the protection of migratory birds, which was ordered to lie on the table.

Mr. PAGE presented a petition of the congregation of the Methodist Episcopal Church of St. Johnsbury Center, Vt., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. ROOT presented petitions of sundry citizens of Bainbridge, N. Y., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. LIPPITT. I present a memorial from members of the Society of St. Volodymyr, of Woonsocket, R. I., remonstrating against the adoption of the illiteracy test clause in the pending immigration bill. I ask that the memorial lie on the table and be printed in the Record.

There being no objection, the memorial was ordered to lie on the table and to be printed in the Record, as follows:

(Saporozska Sicz of St. Volodymyr, Woonsocket, R. I. Incorporated May 3, 1911.)

WOONSOCKET, R. I., January 20, 1913.

To the Senate of the United States:

GENTLEMEN: It has been a painful surprise to us to see the House pass the Burnett bill, providing for a literacy test. This test, as is well known, does not aim at selection but merely at the cutting of numbers. It is a move against present immigration which we very earnestly regret. It is a departure from our traditions and the principle that has guided us in the past, through the means of which our country stands preeminent as the land of equal opportunity. It overlooks also the need of the country for a continuous fresh supply of labor. We can only hope now that the Senate will not join the House in its decision, but will come to a better understanding as to the wishes of the majority of the American people and the best interests of the country.